

Councillors Briefing Note No.273

Service: Economic Development and Planning

Further Enquiries to: Alistair Cunningham

Date Prepared: 04/01/16

Direct Line: (01225) 713203

CHIPPENHAM SITE ALLOCATIONS PLAN EXAMINATION UPDATE

Further to briefing note no. 268, please find attached a letter from the Inspector confirming the details of the meeting at which he will undertake a formal review of the additional work currently being carried out by the council in regard to the Chippenham Site Allocations Plan.

This meeting has been organised by the Programme Officer Helen Wilson on behalf of the Inspector. If you wish to attend, as an observer, please contact Helen, her contact details can be found within the letter.

Examination of the Chippenham Site Allocations Plan

Inspector: Patrick Whitehead DipTP MRTPI

Programme Officer: Helen Wilson BA(Hons)

32 Pennyford Close, Brockhill, Redditch,
Worcestershire B97 6TW

Tel: 01527 65741

Mobile: 07879 443035

Email: progofficer@aol.com

Website: http://www.wiltshire.gov.uk/chippenham_examination.htm

4 January 2016

Dear Sir/Madam

I write to inform you that a meeting between the Inspector and the Council will take place on Thursday 21 January 2016 at 1pm in the Council Chamber, Monkton Park offices, Monkton Hill, Chippenham SN15 1ER.

The purpose of the meeting is for the Inspector to undertake a formal review of the additional work currently being carried out by the Council (EX/11 refers).

You are invited to attend and observe the meeting, however please note that there will be no opportunity for you to speak.

To assist with the arrangements on the 21st, I would be grateful if you would confirm if you intend to attend the meeting. It is expected that the meeting will last several hours and an agenda will be circulated on the day.

If you have any queries please contact me.

Yours faithfully

Helen Wilson

Programme Officer

Councillors Briefing Note

No. 274

Service: Children's Services

Further Enquiries to: Richard Gamble

Date Prepared: 05 January 2015

Direct Line: (01225) 718277

Wiltshire Council joins f40 – fair funding campaign

Wiltshire has joined the f40 group of education authorities. f40 represents the education authorities in England which receive the lowest cash allocations from government for primary and secondary pupils.

The decision has been made by the Schools Forum, which comprises representatives of schools in Wiltshire (maintained schools, academies and special schools) for the purpose of determining allocation of the Dedicated Schools Grant. The Forum has an independent chairman. Wiltshire Council representatives attend meetings of the forum as observers and contributors, but without voting rights.

f40 is campaigning to change the way the government allocates funding to local authorities and schools. It wants to see a system which recognises the special needs of all LAs whether they are in urban, rural or inner London locations. Fundamentally their aim is to encourage government to change the system to allow the lowest funded councils to catch up.

The government has recognised that a new, fairer and more transparent school funding system is needed. In 2015-16, an additional allocation of £390million was shared between many of those authorities identified as being among the poorest funded. Of this amount, around £210million was allocated to f40 member authorities. Wiltshire received £5.7million.

The f40 Group welcomed the extra funding but it expressed concern that the methodology for allocating the extra cash was flawed, in particular because it is solely based on the Schools Block of the Dedicated Schools Grant. This resulted in allocations to some authorities that were already comparatively well-funded while some very low funded authorities received little or no increase.

The £5.7 million made only a marginal improvement to Wiltshire's position. Prior to receiving the 'fairer funding' monies, Wiltshire was ranked the 6th lowest funded authority in the country (out of 151). Following the receipt of the additional funding, Wiltshire is now ranked the 7th lowest funded authority in the country.

By virtue of membership, Wiltshire is now entitled to have a representative on f40's Executive Committee. The representative has yet to be determined.

The f40 group operate a Finance Managers Research Team made up of experts from member authorities which works closely with the DfE to develop models towards a new funding formula.

Councillors Briefing Note

No. 275

Service: Passenger Transport
Further Enquiries to: passengertransport@wiltshire.gov.uk
Date Prepared: 07/01/2016

Public Transport Strategy Review

Wiltshire Council is undertaking a review of Wiltshire Council supported bus services.

This is part of a wider review of all areas of Wiltshire Council's passenger transport remit.

Although passenger transport makes a strong contribution to the priorities that underpin Wiltshire Council's Business Plan, a key challenge in recent years has been how the service can continue to achieve these priorities in the face of growing pressures on local authority spending. This review is therefore being undertaken to help identify savings from passenger transport budgets.

Roughly half of bus routes in Wiltshire are operated with the need for financial support from Wiltshire Council. Services with fewer passengers, weekend and evening, or remote services require more support. Many other local authorities have already made savings from reducing or withdrawing subsidised bus routes.

The council has already completed a pre consultation assessment, (details can be found via this link: www.wiltshire.gov.uk/localtransportplan3)

We will now undertake a broader consultation to hear the views of residents. The council has made no decisions and would like to see how far residents agree or disagree with the presented options, or alternatively suggest their own. Consultation documents can be viewed on the council's consultation portal: <http://consult.wiltshire.gov.uk/portal>

Hard copies of the consultation material including questionnaires will be available at local libraries and at main council offices. Questionnaires will also be available on buses operating contracted services, and can be sent out on request by contacting 0300 456 0100.

The consultation will be open from 7 January 2016 to 5pm on the 4 April 2016.

If you have any queries, please contact: passengertransport@wiltshire.gov.uk

Councillors Briefing Note

No. 276

Department: Programme Office, Corporate Services
Prepared by: Sarah Cosentino – Business Analyst
Date Prepared: 04 January 2016

Wiltshire Online Programme – Broadband Update

The purpose of this briefing:

- To provide an overview on coverage to date
- Detailed information on the new Universal Service Commitment scheme
- Update on Phase 1, Phase 2
- Signpost to website for more information

Overall coverage

Reviewing our build plans for both Phase 1 and Phase 2 we will reach over 80,000 premises with a fibreservice and well over 70,000 of those will have a Superfast service (over 24 Mbps - megabits per second). This is a significant achievement, as without our investment approx. 40% of all premises across Wiltshire would not be picked up commercially. As a result of the Wiltshire Online programme the number of premises without a fibre broadband service is significantly reduced, however we do acknowledge that we cannot reach every premise at this time. Those yet to appear in any build plans we refer to as our 'hardest to reach'.

We have just launched the scheme to fulfil the Government's Universal Service Commitment as one opportunity for an improved service for the 'hardest to reach'. Ultimately this satellite scheme will only benefit/suit some eligible residents in our 'hardest to reach' areas and a satellite solution may not be their first choice of broadband technology. A satellite broadband solution works in a similar way to satellite TV, a small dish on the premise is used to transmit information. We do not see this as an overall solution for our hardest to reach and as such we continue to explore further opportunities. This includes the gain share clause in the Phase 1 contract; as residents take up the new fibre service funds are generated and reinvested into the contract to build further infrastructure. The first tranche of re-investment will be announced in the spring. We also continue to support our local MPs with regards to the pursuit of additional funding for a Phase 3.

Universal Service Commitment

Overview of scheme

This scheme is intended to deliver the Government's Universal Service Commitment to ensure that homes and businesses have access to download broadband speeds of at least 2Mbps from December 2015.

Under the scheme, residents and businesses which have speeds below 2Mbps will be able to apply for support for a satellite broadband connection. A Government subsidy will be provided to cover most of the cost of installation and commissioning of a satellite broadband service. The applicant will be responsible for paying any remaining cost of installation and commissioning (if any), for choosing the features of the satellite broadband service required, and for paying the monthly subscription for the service. Wiltshire Council will process the applications on behalf of the Government.

Who can apply?

This will depend on whether a premise is currently able to benefit from download speeds in excess of 2Mbps. If it cannot, and that premise is not scheduled to benefit from the delivery of our fibre broadband roll-out in the near future (Phase 1 or Phase 2), then it will be eligible for subsidy.

The application process

A resident or business will be able to apply to benefit from the scheme by completing a simple online application form on our website or over the telephone when required.

The Wiltshire Online team will complete a series of eligibility checks to confirm whether the home or business will feature in the superfast broadband roll out. Based on these checks, we will advise whether or not the premises will be eligible to benefit from this scheme.

If the premise is eligible, the applicant will be provided with an eligibility code and a list of participating satellite service providers.

Implementation process

Once the applicant has received their unique eligibility code, and the list of pre-approved satellite broadband retail service providers currently operating under the scheme, they should review the products and prices available from each provider and select the product that best meets their performance and cost requirements.

The applicant will then need to approach their chosen satellite broadband retail service provider to order the service they require, using the eligibility code provided by Wiltshire Council.

The scheme will cover most or all of the cost of installation and commissioning of the satellite broadband service. The end user will be responsible for paying any remaining cost of installation and commissioning (if any), and paying the monthly subscription for the service selected, including VAT.

Further information

Information about the Universal Service Commitment, the application process and a full FAQ is available on the Wiltshire Online website [here](#).

Phase 1, Phase 2 highlights

- Phase 1 roll out is on schedule and to date has delivered fibre broadband to over 71,000 homes and businesses in Wiltshire.
- We have built over 400 new structures
- The take up of the new service remains higher than expected
- Phase 2 begins in March 2016 and will provide superfast broadband to a further 5,500 premises

General queries

For more information about Phase 1, Phase 2 or the USC the Wiltshire Online website (www.wiltshireonline.org) is intended to be the first port of call. We will regularly update the website throughout the course of the programme. Alternatively please email broadband@wiltshire.gov.uk

Sarah Cosentino
Business Analyst, Programme Office
Wiltshire Online

Councillors Briefing Note

No. 277

Service: Waste Management
Further Enquiries to: Tracy Carter
Date Prepared: 19/January/2016
Direct Line: (01225) 713259

UPDATE ON THE FUTURE DELIVERY OF WASTE COLLECTION AND MANAGEMENT SERVICES

At a meeting held this morning, the Council's Cabinet members have decided to authorise the award of contracts for:

- Lot 2 (management of nine council owned household recycling centres) and
- Lot 5 (waste collection including the co-mingled collection of dry recyclables with separate glass)

to Hills Waste Solutions.

The new contracts will start on 1 August 2017 and will run for a period of eight years with the option to extend the contract for a further period of eight years.

The service will mean black boxes will be used solely for glass collection and blue lidded bins will take all other recyclables including a wider selection of plastics.

This award of contract follows a robust procurement process where Hills Waste Solutions have demonstrated how they will deliver cost effective services to the specification the council requires.

The law requires that there is a ten day standstill period, before the award of a public contract can be confirmed and any contract entered into. The standstill period will end on 30 January 2016.

Subject to the standstill period, the contract award means that employees of Wiltshire Council involved in the operation and delivery of the waste collection services may be subject to TUPE (Transfer of Undertakings (Protection of Employment)).

The Council will work in partnership with Hills Waste Solutions, its current contractors, and the trade unions to support staff and keep you fully informed throughout the process.

More information

If you have any further questions please contact the officers below –

Tracy Carter
Associate Director Waste and Environment
01225 713259
tracy.carter@wiltshire.gov.uk
CM08049/F

John Geary
Head of Waste Commissioning
01225 713150
John.geary@wiltshire.gov.uk

Councillors Briefing Note No. 278

Service: Economic Development and Planning

Further Enquiries to: Alistair Cunningham

Date Prepared: January 2016

Direct Line: (01225) 713203

THE ROLE OF HOUSING LAND SUPPLY IN DECISION MAKING

Following the publication of the Council's Housing Land Supply Statement in September 2015, the subject of Councillor Briefing Note 258, this note has been prepared to provide an overview of the role of housing land supply in decision making by the Council as Local Planning Authority (LPA).

The National Planning Policy Framework (NPPF) requires LPAs to identify a supply of specific deliverable sites to demonstrate five years of housing against their housing requirements, with an additional buffer of 5% (equating to 5.25 years in total) to ensure choice and competition in the market for land. This is done through the preparation of assessments of housing land supply on an annual basis, which considers the available supply of housing at 1 April. The resultant reports are, therefore, snapshots in time and can only be based upon the information available at the time of publication. The Council produced a Housing Land Supply Statement (HLSS)¹ in September 2015 and the Councillor briefing note referred to above was issued to notify members of its publication.

The definition of deliverable, in the context of housing land supply, has been scrutinised considerably through local plan examination, appeals and legal challenges. The NPPF makes it clear² that where a LPA cannot demonstrate a five-year housing land supply of deliverable sites, relevant policies for the supply of housing should not be considered up to date. This does not mean that in these circumstances all proposals for housing should be permitted, only that policies related to the supply of housing should be given less weight in decision making, particularly Core Policy 2 in relation to settlement boundaries. Cases where adverse impacts would significantly and demonstrably outweigh the benefits can, and should, still be refused. However, where applications are being considered for sites at settlements³ but outside the defined settlement boundaries there may be the opportunity to improve housing supply by favorably considering proposals where appropriate. This would depend on the judgements made as to where the planning balance lies and considerations may include limited impacts and benefits to local communities that arise from the proposal.

Where evidence used to support the inclusion of sites in the Council's housing land supply is brought into question through the outcomes of examination of local plans, appeals or legal

¹ <https://cms.wiltshire.gov.uk/documents/s109691/Briefing%20Note%20258%20-%20Wiltshire%20Housing%20and%20Supply%20Statement%202015%20Update.pdf>

² Paragraph 49 of the NPPF

³ Principal Settlements, Market Towns, Local Service Centres and Large Villages as defined by the Core Strategy

processes, the housing land supply position must be reconsidered in that context. It is not surprising then that developers seek to challenge the Council's published housing land supply position, particularly where the housing land supply position is close to the 5.25 year target.

Housing land supply is assessed on a Housing Market Area (HMA) basis. Wiltshire currently has three HMAs (East, North & West and South), and the Council presents a separate housing land supply position for each HMA. The outcome of a planning appeal in one HMA should not, therefore, impact on the housing land supply position in the other two.

The Council's HLSS included the proposed allocations in the Chippenham Site Allocations Plan (CSAP). This was a reasonable approach and the inclusion of these sites has previously been endorsed by the Wiltshire Core Strategy Inspector and recent appeal decisions. However, the Examination of the CSAP has now been suspended and the Council is undertaking further work in response to the Inspector's concerns regarding site selection. Currently, therefore, the Council cannot rely on the proposed allocations contributing towards the deliverable supply.

In the circumstances that these sites cannot be considered to contribute to the housing land supply, the position for the North and West HMA is reduced to below 5.25 years. This will need to be taken into account in decision making on housing proposals in the North and West HMA.

The Council will be commencing the next assessment of housing land supply on 1 April⁴ and will take into account planning permissions granted for housing up to that date. During this interim period, careful consideration will need to be given to decisions on housing proposals in the North and West HMA. This means balancing the need to boost housing supply with the harm of the proposal when considered against the development plan as whole and material considerations on a case by case basis. This will need to take into account the reduced weight to be given to policies relating to housing supply.

⁴ The assessment involves surveying all development sites in Wiltshire with an extant planning permission to determine housing completions, consulting developers for expected build rates for sites and discussion with Wiltshire Council officers.

Councillors Briefing Note

No. 279

Service: Highways

Further Enquiries to: Parvis Khansari

Date Prepared: 08 February 2016

Direct Line: (01225) 713340

Wiltshire Council joins multi-agency response to storm

Wiltshire Council teams have been working with multi-agency partners to clear fallen trees from roads and deal with isolated flooding incidents during the latest storm to hit the county.

Partners from the Environment Agency, Wiltshire Fire and Rescue Service, Wiltshire Police and the local community erected precautionary flood barriers at Bradford on Avon as the river continued to rise yesterday evening (7 February). These will remain in place until the threat of flooding has passed.

The Staverton Causeway B3105 road near Trowbridge remains closed and Reybridge at Lacock is also closed. The C113 Kellaways road near Langley Burrell is now closed. Teams continue to monitor the situation around the county and are ready to respond should they be required.

Flood alerts remain in place in a number of areas and drivers are being warned to take care on the roads. The latest details on flood warnings are available on the Environment Agency website <https://flood-warning-information.service.gov.uk/map>

The Wiltshire Council twitter account @WiltshireRoads will also have updates on the situation on the roads.

Councillors Briefing Note No. 280

Service : Planning
Further Enquiries to: Alistair Cunningham
Date Prepared: 24th February 2016

Note to Members to clarify call-in procedures for Planning Committees

Members are reminded of the relevant procedures under which members may call in a planning application for determination by a Planning Committee. These are set out in Protocol 4 of the constitution – Planning Code of Good Practice - and the relevant paragraphs are reproduced below, together with a link: [Protocol 4](#)

It should be noted that this protocol is planned to be reviewed in the first half of this year. Part of that review will correct the reference to Part 3B which should read Part D3 (scheme of delegation to officers) link:

<http://moderngov.wiltshire.council/ecCatDisplay.aspx?sch=doc&cat=13386&path=0>

It should be noted that the reference to 'your division' in paragraph 9.2 below means the division you represent, and not the division you reside in.

It is acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call-in', if they have a conflict of interest or during periods of absence such as holidays or illness. In the case of death, the Chairman will nominate a stand in.

9.2. As a member, you can request that the relevant planning committee considers a planning application ***in your division*** and not be dealt with under delegated powers (although there are a few exceptions, such as tree applications, set out in the Scheme of Delegation). To call-in an application, you need to **submit the [Online Call In Form](#). This will be received in the planningcommittees@wiltshire.gov.uk email address and processed accordingly. Requests must be received within the 21 days consultation period, which is shown on the weekly list.** (but there are some exceptions set out in detail in the Scheme of Delegation to Officers – Part 3B of the Constitution). The proforma must record planning reasons why the committee should deal with the application. (It would be helpful if councillors would contact the case officer prior to call-in to discuss the planning issues involved and whether a call-in is necessary.) Following receipt of a request, officers will confirm the action to be taken and keep the member informed when they are ready to make a recommendation.

9.3. While there is a strong presumption that the Division Member's views on call in should prevail, if another Member (**i.e. one from a neighbouring division**

which is affected by the development) thinks an application should go to committee and this is contrary to the view of the local Division Member, it will be open to that member to discuss the application with the Chairman of the committee. Having discussed the application and considered the possible impacts the Chairman will then have the ability to ask for the application to proceed to committee for determination. In the rare event that the application is in the Chairman's own division, the adjoining member can discuss the application with the Director of the service.

You can access the Request for planning application to be considered by committee form [here](#)

For ease of reference the Area Development Managers are :

North – Brian Taylor brian.taylor@wiltshire.gov.uk

Central – Mike Wilmott Mike.wilmott@wiltshire.gov.uk

South - Andrew Guest Andrew.guest@wiltshire.gov.uk

If you have any queries about this procedure, please contact either Helen Atkinson, 713145, Legal Services or Yamina Rhouati, Democratic Governance Manager on 01225 718024

Councillors Briefing Note

No. 281

Service: Communications and Communities

Further Enquiries to: Laurie Bell

Date Prepared: 2 March 2016

Direct Line: 01225 713024

‘Clean for the Queen’ 4 – 6 March 2016

‘Clean for the Queen’ is a national campaign, launched by Country Life magazine and Keep Britain Tidy, to mark her Majesty’s 90th birthday in June.

Wiltshire Council has been encouraging local communities through the area boards to participate in this campaign and to rally volunteers and groups to help clean up the county to mark the Queen’s 90th birthday.

The ‘Clean for The Queen’ events are scheduled to take place across the country this coming weekend (4, 5 and 6 March). Wiltshire has responded really well and clean ups have already started. On 18 February, 32 volunteers collected 44 large bags of litter from the Ivy Partnership Estate in Chippenham.

68 known events are scheduled to take place this weekend with around 1,400 people participating. There are also a further 40 events scheduled to take place after this weekend up to June.

To support the area boards and community volunteers a tool kit/information pack and a presentation guide for the local Community Engagement Managers to deliver/provide vital information are attached for information.

Local volunteers/groups are required to register their event (details of how to do this are in the tool kit).

Equipment to support a litter pick event, supplied by the Landscape Group, will be allocated via the local Community Engagement Manager. This includes high-vis tabards, gloves, litter grabbers, rubbish sacks, first aid kits, wipes and string. All reusable items will be collected and reallocated by the Community Engagement Manager.

Volunteers/groups will be briefed by the Community Engagement Managers to carry out risk assessments, to ensure they have insurance cover, and to communicate the locations for collection of the litter bags following the litter pick events.

Confirmed Clean for the Queen events:

- Amesbury – three events – 25 people taking part
- Bradford on Avon – one event – 60 people taking part
- Calne – three events – 142 people taking part

- Chippenham – six events – 150 people taking part
- Corsham – four events – 55 people taking part
- Devizes – four events – 65 people taking part
- Malmesbury – three events
- Marlborough – one event – 12 people taking part
- Melksham – five events – 170 people taking part
- Pewsey – one event – 20 people taking part
- Royal Wootton Bassett – five events – 120 people taking part
- Salisbury – six events – 75 people taking part
- Southern Wiltshire – nine events - 180 people taking part
- Tidworth – three events – 155 people taking part
- Trowbridge – two events – 45 people taking part
- Warminster – eight events – 65 people taking part
- Westbury – three events – 60 people taking part

For more information about events taking place in your area please visit www.cleanforthequeen.co.uk (all events should be registered here).

If you want any further information about events happening in your local area please email areaboard@wiltshire.gov.uk or contact your local Community Engagement Manager.



Your guide to... Clean for The Queen

Organise a litter picking event in
your community to celebrate
The Queen's 90th Birthday!



CLEAN FOR
THE QUEEN

Wiltshire Council
Where everybody matters

What better way could we
show our gratitude to
Her Majesty than to clean up our
county?

Clean for The Queen is a campaign to clear up Britain in time for Her Majesty The Queen's 90th birthday, which will be officially celebrated in June 2016. The campaign was launched by Country Life magazine in partnership with Keep Britain Tidy in a bid to rally volunteers across the country to clean up their local areas.

When The Queen came to the throne, litter was not the problem that it is today. Food packaging, plastic bottles, takeaway meals and cigarette butts have all contributed to a growing menace that affects our wildlife, streets, countryside and sense of pride.

Take part in the Clean for The Queen weekend on 4, 5 and 6 March 2016.



In this guide you will find:

- Getting started and registering your event
 - Health and safety
- How to get your community involved
 - Check list
 - Useful contacts
 - Registration form



Keep in touch by social media

 @ CleanForTheQueen
@ WiltsCouncil

 www.facebook.com/WiltshireCouncil

Getting started

To make it easy for you to take part in Clean for The Queen, this simple guide will help you hold a litter picking event in your local area.

Before you start planning your litter picking event, speak to your community engagement manager, your town or parish council, other local groups, your neighbours and friends. Even though you may not know many details yet, it is good to see how your community will feel about the event. Through consulting with your local community you will also be able to pick up a variety of ideas and shape the event to meet the requirements of those involved.



Consider the location of your litter pick

It may be helpful to make a sketch map of the area to be tackled and note where the litter collection point will be. If you are expecting a large number of people, you may also want to identify a first aid and lost and found point. Mark on the map the location of any toilets and any other useful amenities. Volunteers could be separated into groups and given different routes in order to maximize litter picking.

If the land or property you intend to use is council owned please contact the council's corporate events co-ordinator on **01380 826335** or email **corporateevents@wiltshire.gov.uk**

For all other property, permission must be obtained from the appropriate land owner.

How to arrange for your litter to be collected

You will be responsible for all the litter you have collected and clearing up after the event. You can arrange for the litter to be collected by Wiltshire Council by contacting the council's **highways team** at **localhighways@wiltshire.gov.uk** or on **0300 4560105**.

Encourage volunteers to separate the materials they collect as much as possible so that the rubbish collected can be recycled where possible. You may want to use different coloured bags for recyclables and general rubbish.

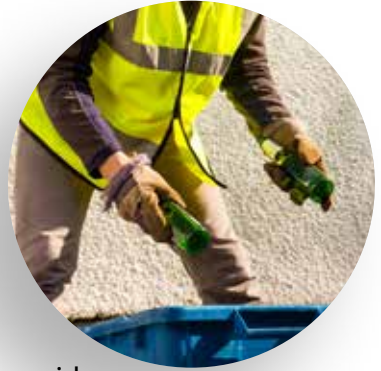
Event management

We suggest one person takes overall responsibility for organising the litter picking event. You may like to join forces with a local school, community groups or businesses.

Register your event

Please complete a registration form at **www.wiltshire.gov.uk/cleanforthequeen** or complete the form at the back of this guide and send it to **areboards@wiltshire.gov.uk**. This will allow us to support your event and send you resources to assist with your litter picking event.





Health and safety

Equipment will you need

To help you get started, Wiltshire Council will provide your community area with an equipment starter kit including:

- Litter pickers
- High visibility tabards
- Bin/recycling bags
- First aid kit
- Protective gloves
- Anti-bacterial wipes
- Safety container for the collection of glass or sharp objects
- String/sticky tape.

Risk assessment

You will need to conduct a full risk assessment of the area before the litter pick takes place. If the event is on the council's land, the council will need to see the risk assessment before the event takes place. A risk assessment form will be sent to you when you register your event. Further advice can be sought from the council's **corporate events co-ordinator** on **01380 826335** or email **corporateevents@wiltshire.gov.uk**

Make sure you have a first aider present

Please ensure someone is responsible for all aspects of health and safety. It must be someone who is 'competent' and understands the subject.

A basic first aid kit will be provided for small litter picking events and a qualified first aider must be present. If the event attracts a large number of people contact your local ambulance service or voluntary first aid organisations such as the Red Cross or St John Ambulance for advice. They may even be able to provide cover and assistance.

Public liability insurance

Obtaining public liability insurance is very important and strongly recommended. This will provide cover for your legal liability arising from accidental damage or injury that may occur during the event, including damage or injury to a member of the public or their property.

If you have representatives from your local town or parish council or school, it is possible that insurance is already in place, but it is important to check that litter picking activity is covered under such insurance.

Make a contingency plan

What would happen if bad weather was forecast on the day of the event? Would it have to be postponed? How would you let people know if it is postponed? Get a contingency plan in place in case the preferred plan fails or the situation changes.





How to get your community involved

How to let your community know the event is happening

A good place to start would be to contact your town or parish council, your community engagement manager and any other local community groups that may want to support the event or can help you advertise it locally.

Do you have a town or parish magazine you could advertise it in? Are their local notice boards where could you display posters in your community?

Get together your volunteers

Publicise the event locally – contact friends and neighbours, encouraging them to sign up to take part. Consider speaking to community groups and local volunteers who may be interested in joining in. Search **www.wiltshire.gov.uk/wiltshireclubsandorganisationsdirectory** to find out more. You can also contact your local community engagement manager for help and support, visit **www.wiltshire.gov.uk/community_engagement_managers.pdf** for more information.

Would you like to make your litter pick a regular event?

If you'd like to stage the event again, speak to everyone who was involved in the first event and consider how you could improve the experience. If you would like to stage the event again, in the same place, then documents such as the risk assessment can be reused.

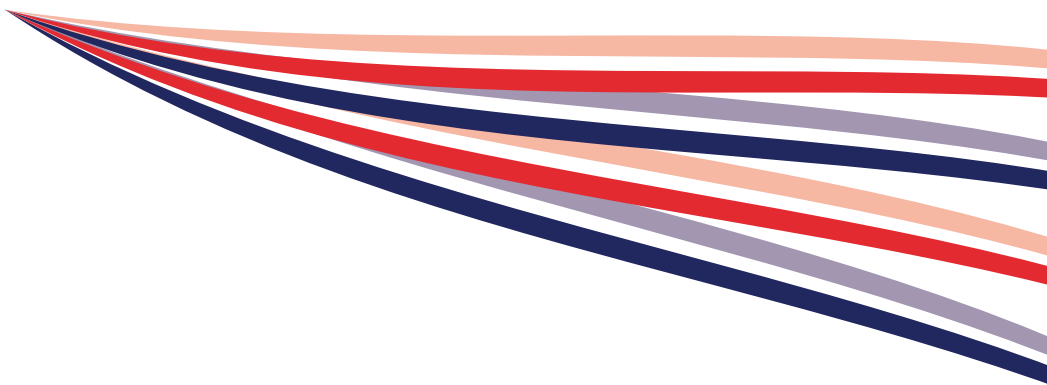
If you are planning to continue your environmental work after your Clean for The Queen weekend, you may wish to try and secure sponsorship. Local companies may well be interested in supporting your clean up by donating money or equipment.

Alternatively, money can be raised through fundraising events e.g. car boot sale, summer fair, car wash etc.

Checklist

The following checklist should help you to manage your litter pick and remind you of any areas you may not have considered when planning your event.

| | |
|--------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> | Speak to the local community to get support |
| <input type="checkbox"/> | Speak to your community engagement manager town or parish council |
| <input type="checkbox"/> | Identify the location you want to clean and contact land owner |
| <input type="checkbox"/> | Arrange litter disposal |
| <input type="checkbox"/> | Complete event registration form |
| <input type="checkbox"/> | Complete risk assessment |
| <input type="checkbox"/> | Arrange public liability insurance |
| <input type="checkbox"/> | Arrange adequate first aid |
| <input type="checkbox"/> | Make a site plan and contingency plan |
| <input type="checkbox"/> | Arrange to collect your equipment |
| <input type="checkbox"/> | Ensure health and safety actions are in place |
| <input type="checkbox"/> | Promote your event to your local community |





Registering your event

Please complete this form or provide the following information by email at least two weeks before your planned event and send it to **areaboards@wiltshire.gov.uk**

The council will look at what you are proposing and process your application before contacting you regarding the next steps including details of your equipment collection.

| |
|-------------------------------------------------------------------------|
| Name of organiser: |
| Organisation (if applicable): |
| Email address: |
| Contact address: |
| Telephone number (daytime): |
| Telephone number (evening): |
| Location of event: |
| Are you working with any organisations/school? (Please provide details) |

Useful contacts

General advice on event safety and risk assessment/permission to use council land:

Corporate Events Co-ordinator, Wiltshire Council

Tel: **01380 734698**

Mob: **07825 400377**

Email: **kevin.oliver@wiltshire.gov.uk**

First Aid:

Great Western Ambulance Service – Tel: **01249 858500**

St John Ambulance – Tel: **01380 728362**

British Red Cross Society – Tel: **01793 859930**

Waste Disposal:

Wiltshire Council's Highways Team – **localhighways@wiltshire.gov.uk**

Tel: **0300 456 0105**

Hazardous Waste:

Environment Agency (24 hour hotline) – Tel: **0800 80 70 60**

Avoiding complaints of noise:

Environmental Protection service – **publicprotectionwest@wiltshire.gov.uk**

Press Releases:

Communications Team – **communications@wiltshire.gov.uk**





A legacy for Wiltshire

2012 was a fabulous year for Great Britain; it was also a great year for Wiltshire. Our communities came together and celebrated the Queen's Diamond Jubilee, the Olympic Games and followed the Olympic Torch relay as it travelled through the county.

These events had a huge impact on our communities and the local economy. A Legacy Steering Board was established to make sure we built on the successful relationships that were developed and to ensure that a real legacy for the future was created with the following aims:


- bringing communities together to deliver events and activities
- keeping the economy invigorated
- getting more people more active through sport and leisure
- increasing the access to arts and culture across the county.



CLEAN FOR
THE QUEEN

Community Engagement Managers' Guide to delivering a safe and successful event





Thank you for working with your communities to organise Clean for The Queen litter pick events.

This step by step guide has been provided to help you work with your community event organisers to ensure all the events are safe and successful.

What you need to send to event organisers

The documents you need to send to all event organisers are:

- Risk assessment form
- Poster template
- Photo consent forms
- Briefing note, covering:
 - How to register the event
 - Risk assessment
 - Equipment and hazardous waste
 - Event management
 - Publicity and photograph consent
 - Event feedback

Risk assessments

- A risk assessment form must be completed by each event organiser
- A copy of this has been sent to you to forward to all your event organisers
- These do not need to be approved/seen by the council
- They do need to be completed and the organiser needs to have a copy with them at the litter pick event
- For any queries or advice when completing the form they can contact Kevin Oliver on 01380 734698 or email corporateevents@wiltshire.gov.uk
- Event organisers must brief their team of volunteers about any risks identified

Public liability insurance

- Please speak to each event organiser and ensure they have public liability insurance in place for the event
- This is required to provide cover for any legal liability arising from any accidental damage or injury that could occur; including damage or injury to a member of the public or their property
- If a representative from Wiltshire Council, a town or parish council, school or community group is present it is likely there will be cover under their insurance
- Event organisers must check this is the case

Collection of rubbish sacks

- For all events you must inform Kate Jennings where the rubbish needs to be collected from
- Rubbish will be collected from the locations you specify on Monday 7 March, or Tuesday 8 March
- You must inform where the rubbish collected will be left by Monday 29 February
- Rubbish should be left for collection where it is accessible from the highway
- After this date, the event organiser will need to contact the local highways team to arrange collection – they can do this by phoning 0300 456 0105 or emailing localhighways@wiltshire.gov.uk.

Equipment provision


- All equipment to support a litter pick event will be provided
- This will include high vis tabards, gloves, litter grabbers, rubbish sacks, first aid kits, wipes and string
- It is your responsibility to divide this between the event groups and arrange distribution or collection with event organisers
- Some equipment is reusable; high vis tabards, litter grabbers and gloves – you will need a sign in/out system for multiple events
- Sign in/out forms have been provided

Collection and storage

- You will need to collect all reusable equipment (tabards, gloves and grabbers) and any other unused equipment (wipes, string, first aid kits) from events organisers
- You will be responsible for arranging safe, secure storage for the equipment in your locality, so that it is available for future use
- Please inform Kate Jennings where equipment is stored, or if you have problems with storage contact Kate on 01225 718066 or email Kate.Jennings@wiltshire.gov.uk.

Event promotion, photo consent and measuring success

- Ask event organisers to promote their events using social media and take before and after photos
- For all photos, please ask that consent forms are completed so that they can be publicised
- All photos and consent forms must be emailed to areaboards@wiltshire.gov.uk along with number of participants and number of rubbish sacks collected



If you have any further questions about
the Clean for The Queen campaign,
please contact Kate Jennings

Kate.Jennings@wiltshire.gov.uk

01225 718066

Councillors Briefing Note

No. 282

Service: Children's Services

Further Enquiries to: Carolyn Godfrey

Date Prepared: 03 March 2016

Direct Line: (01225) 713751

Support for national campaign to encourage more people to report child abuse

Wiltshire Council and Wiltshire Safeguarding Children Board are supporting a national campaign which begins today (3 March) to encourage people to report child abuse.

Latest national figures show almost a third who suspect something is wrong don't follow up on their concerns. The Department for Education campaign is asking people to act on their suspicions, even if they aren't completely certain, as this can build up a wider picture to help protect a child.

Laura Mayes, cabinet member for children's services, said: "All children have a right to be safe and to be protected from all forms of abuse and neglect. Protecting our young people is one of our driving concerns in Wiltshire and although we have teams in place doing an excellent job on the ground we also need the public to be our eyes and ears.

"I can understand people may be reticent to contact us, however taking that important step to pass on that information could well be the crucial missing piece in the jigsaw."

Mark Gurrey, Independent Chair of Wiltshire Safeguarding Children Board said: "We are supporting this national campaign which highlights that we all have responsibility to report concerns if we suspect child abuse or neglect."

Attached is a poster which is being distributed widely to promote the campaign with the details for the Wiltshire Multi Agency Safeguarding Hub (MASH).

If anyone suspects child abuse they can call MASH on 0300 456 0108. If anyone is worried about a child's immediate safety, they should contact the police by dialling 999.

The teacher
who was worried

The family
member
who was
concerned

You

If you suspect child abuse,
visit gov.uk/reportchildabuse
Wiltshire Council is your local authority
so please call **0300 4560108**

The
neighbour
who felt
uneasy

The coach
who noticed at
practice

**TOGETHER
WE CAN TACKLE
CHILD ABUSE**



Department
for Education

Councillors Briefing Note No. 283

Service: Economic Development and Planning

Further Enquiries to: Alistair Cunningham

Date Prepared: March 2016

Direct Line: (01225) 713203

SPATIAL PLANNING UPDATE

This Councillors Briefing Note provides information on:

- (i) Consultation in relation to the Community Infrastructure Levy
- (ii) New Timeline for Wiltshire Housing Site Allocations Plan
- (iii) Notification of Councillor Briefing Session

Consultation in relation to the Community Infrastructure Levy

Following the Cabinet Member's delegated decision made on 26 February 2016, which takes effect from 7 March 2016 (see [CIL Delegated Decision](#)), the Council is consulting on a Draft Revised Community Infrastructure Levy (CIL) Regulation 123 List and a Draft Revised Planning Obligations Supplementary Planning Document (SPD) **from 14 March until 25 April 2016**. Together these documents support the CIL Charging Schedule and clarify how the Council will seek contributions from development.

The Regulation 123 List sets out the strategic infrastructure types or projects that Wiltshire Council may fund, in whole or in part, through CIL. It does not apply to the ring fenced proportion of CIL passed to town and parish councils for them to allocate to community infrastructure projects.

The current CIL Regulation 123 List has been in operation since May 2015. It has become apparent, as development proposals have come forward, that the List would benefit from reviewing to provide clarity over those infrastructure projects that may be funded through CIL and to address perceived uncertainties. It currently includes generic types of infrastructure and the provision “*except where the requirement can be attributed to five or fewer developments*”. It also makes explicit reference to the exclusion of infrastructure projects associated with the development of Strategic Sites within the Wiltshire Core Strategy. The exclusions recognised that Section 106 legal agreements are still appropriate for some infrastructure projects subject to the pooling restrictions set out in legislation. Projects that are proposed to be funded by CIL and feature of the Regulation List cannot be funded by Section 106 agreements.

It has thus always been the intention that CIL would be one of the mechanisms used to fund the infrastructure required to support Wiltshire's growth. Core Policy 3 of the Wiltshire Core Strategy (adopted January 2015) and the Planning Obligations SPD support this approach.

These set out how CIL would work alongside, rather than replace, Section 106 legal agreements. Section 106 agreements provide the mechanism to ensure infrastructure can be delivered where it is directly related and specific to a development. They are important to ensure that sustainable development can be achieved, with infrastructure delivered at the right time alongside development.

Alongside the Draft Revised Regulation 123 List, some changes are also proposed to the Planning Obligations SPD in the interests of clarity and accuracy, and to recognise that the Regulation 123 List will be reviewed and updated periodically. The Draft Revised Regulation List has been informed by the Wiltshire Infrastructure Delivery Plan (IDP), which is developed in consultation with service providers and updated periodically. During the consultation, a Draft Updated IDP will also be made available for comment.

Availability of Consultation Documents

The draft Revised Regulation 123 List, draft Revised Planning Obligations SPD, draft updated Infrastructure Delivery Plan and information on how to make comments is being made available via the Council's website at www.wiltshire.gov.uk/communityinfrastructurelevy from **14 March 2016**. In the meantime the content of the documents can be viewed via the following link: [CIL Delegated Decision](#)

Hard copies of these documents will also be made available during normal office hours at: all Council libraries; and the main Council offices in Chippenham (Monkton Park), Salisbury (Bourne Hill) and Trowbridge (County Hall). The Draft Updated IDP due to its size, similar to previous consultations, will be made available online only via the Council's website.

Parish and Town Councils Workshops

To support the consultation, provide information on the wider implementation of CIL and what it means for parish councils, as well as an update on emerging changes to national planning policy, workshops have been arranged for town and parish councils, as follows:

- County Hall (Cotswold Space), Trowbridge, Tuesday 5th April, 6pm to 8pm
- Monkton Park (Council Chamber), Chippenham, Thursday 7th April, 6pm to 8pm
- City Hall (Alamein Suite), Salisbury, Monday 11th April, 6.15pm to 8.15pm

Wiltshire Councillors are invited to attend these workshops. Please email Lianna.bradshaw@wiltshire.gov.uk if you wish to attend.

Next Steps

All comments received during the consultation period will be considered and taken into account in finalising the documents. Final versions of the Revised Regulation 123 List and Revised Planning Obligations SPD will be submitted for approval by Cabinet, with the SPD being considered for recommendation to Full Council for adoption.

New Timeline for Wiltshire Housing Site Allocations Plan

Further to Councillors Briefing Note 242, the timetable for the above Plan has been reviewed. The following timeline will be updated on the Council's website and replaces the one currently published.

| Plan Preparation: Key Milestone Date(s) | Date(s) |
|------------------------------------------------------------------------------------------------|--------------------------------|
| Finalising evidence and preparing the 'Pre-submission' Draft Plan | Up until end August 2016 |
| Democratic process <ul style="list-style-type: none">• Cabinet• Council | September 2016 October 2016 |
| Formal consultation on the Pre-submission Draft Plan | October to December 2016 |
| Responding to consultation responses and finalising documents for submission | Up to May 2017 |
| Democratic process (dates to be confirmed) | May/June 2017 |
| Submission of Draft Plan and commencement of Examination process | June 2017 |
| Adoption (date dependant on length of examination) | December 2017 |

Councillors Briefing Session

Arrangements are being made to hold a Councillors Briefing Session to provide an update on emerging planning policy documents including the Site Allocations Plans, five year land supply in decision making and an update to changes to national planning policy. Invites will be issued in due course.

Councillors' Briefing Note No. 284

Service: Communities

Further enquiries to: Please contact your Community Engagement Manager

Date prepared: 08 March 2016



More than 1,500 volunteers help Clean for the Queen across Wiltshire

To prepare for the Queen's 90th birthday, thousands of people have been taking to the streets armed with litter pickers and purple bin bags to Clean for the Queen.

The event was launched by *Country Life* magazine and Keep Britain Tidy to rally volunteers across the country to clean up their local areas. In Wiltshire, over 1,500 volunteers of all ages from towns and villages across the county took part in more than 80 litter picks over the weekend (5-6 March).

With all but six rubbish collections now completed across the county – these will be completed today – a total of 1,694 full bags of rubbish have been collected, weighing 13.5 metric tonnes. The clean-up effort continues this weekend, with two litter picks due to take place, and seven scheduled for the following weekend.

Wiltshire Council acted as a distribution hub for Clean for the Queen rubbish collection sacks, and also distributed 180 litter pickers and 2,000 tabards to more than 80 different groups throughout the county. To help communities organise litter picks safely, a how to guide was produced, with step-by-step instructions on how to organise and safely run an event. This included information such as health and safety, risk assessments and public liability insurance, and was distributed to community groups by the Community Engagement Managers (CEMs).

As well as on the ground, the event was a huge success on social media, with more than 150,000 people reached over the weekend across the council's social media channels. [See the full story of the Clean for the Queen campaign on social media](#) and [view an image gallery of photos](#) from events up and down the county.

There has been extensive media coverage locally and nationally.

For more information regarding your local area, please contact your CEM.



Councillors Briefing Note

No. 285

Service: Highways services

Further Enquiries to: Philip Whitehead

Date Prepared: 14 March 2016

Direct Line: (01225) 718277

Wiltshire Council highways service praised

Strong leadership, effective local decision-making and an efficient, lean service were some of the findings from an independent review of Wiltshire Council's highway services.

The peer review saw a team of seven local authority and local government peers visit the council for three days in February. They met with a wide range of partners and staff at all levels to discuss how the service is currently run.

The review was very positive with the peer challenge team concluding that the council is successfully investing in the highways infrastructure, harnessing the knowledge and energy in local communities to improve outcomes and delivering Swindon and Wiltshire Local Enterprise Partnership schemes on time and to budget.

Peer reviews are arranged by the Local Government Association and are designed to highlight strengths and identify areas for further improvement and learning.

The council's key strengths identified were:

The service managed the termination of the highways contract and the very challenging procurement of the new contract effectively

Harnessing the knowledge and energy in local communities has led to improved outcomes and additional funding

There is a clear positive intent amongst staff and partners to ensure the service is successful

Strong and capable senior political leadership which gives clear and consistent vision

The case has been successfully made for investment in the infrastructure and in an asset management approach/methodology

Areas for development included:

Clarity needed about how the wider council vision and transformation cascades to the highways and transport service

Consider the development of a performance management framework to underpin delivery of strategic outcomes

Ensure IT systems support integration and workflow/ feedback

Recognise and plan for the risks associated with the significant challenges faced over the coming months

A report on the peer review will be presented to full council later this year

Councillors Briefing Note No. 286

Service : Corporate Office

Further Enquiries to: Liz Creedy

Date Prepared: 16/03/2016

Direct Line: (01225) 713086

Members Expenses

This is to advise Councillors of changes being made to the way Members claim expenses, that takes into account the amendments that come into effect from April 2016 under the new Finance Act.

The Chancellor's Budget Statement in 2015 included the amendment of payment of tax on Councillors' home to work travel expenses and the Finance Bill in which this was included, received Royal Assent on 18 November 2015.

Group Leaders have been advised of the changes and are in agreement with the new approach.

All members will be required to submit their claim for expenses electronically via the SAP portal with effect from **1st April 2016**. The SAP portal can be accessed via any Council laptop. It is not currently possible to do this via iPads, although a solution is being examined. From April, Members will also receive their payslips electronically via SAP, which will negate the requirement for monthly printing and postage. All members have been set up with SAP log-ins to enable this transition.

Corresponding receipts are required to accompany all claims to ensure payments are not delayed. These can also be submitted electronically by scanning or photographing the receipts and sending in together with a receipts form, quoting the relevant trip number generated from SAP in the email title. The form and attachments can to be emailed to hrpayroll@wiltshire.gov.uk, quoting the Councillor name and SAP reference in the email title. Alternatively, receipts can be provided in the current way, by attaching to a receipts form, quoting the quoting the relevant trip number generated from SAP and posting to HR Payroll at County Hall.

The cut off date for the submission of expenses will be extended to the **5th** of each month, bringing it into line with the policy for staff expenses. These will then be authorised by the Head of Service for the Corporate Office. Claims should be submitted on a monthly basis but at the very most, claims must be made within 3

months of the date of travel. In line with the Audit requirements, each Councillor will have their claims examined at least once annually.

Please note that claims that are for more than three months will need approval from the Monitoring Officer or a Corporate Director before any payment is processed.

Full training will be provided to support members to make the transition from paper/electronic submission of expense to inputting expenses claims via the SAP Portal. We will continue to work with members to ensure they are comfortable with using the SAP Portal system and offer every assistance possible. Please contact corporatebusinesssupport@wiltshire.gov.uk if so required.

Councillors Briefing Note No. 287

Service Area: Adult Care and Housing **Further Enquiries to:** Sue Geary, Head of Community Commissioning

Date Prepared: 10 March 2016 **Direct Line:** 07901 848422

Ravenscroft Nursing Home

On 9 March 2016 Larchwood Care Homes (South) Ltd gave the council notice that it will close the above care home in three months' time.

The company wish to work closely with the council to affect a safe and timely transfer of existing residents to alternative care homes.

Perceived Risks & Mitigation

1. The ability of Larchwood to sustain adequate levels of care in the interim period
 - To incentivise staff retention during this period the company are offering alternative employment opportunities to staff when Ravenscroft closes; staff have been made aware that if they do not wish to take up alternative employment they will only be eligible for the redundancy package if they remain in post until released by the company.
 - Staff have been aware for approximately six months that there is a high probability of closure and staff retention during this period has been good with the manager saying that staff are all committed to their residents and will stay 'until the very end'.
2. Availability of appropriate alternative placements within the timescale and potential impact on delayed transfers of care in acute hospitals
 - Commissioners will work closely with operational staff and Procurement Specialist Buyers to ensure best use of available alternative placements and appropriate prioritisation

Ownership of Home

Historically Ravenscroft was owned by Southern Cross. It is now owned by Capita Bank and managed on their behalf by Larchwood Care Homes (South) Ltd. Larchwood operate 70 care homes (3,200 beds) across the UK and buy in director support via Healthcare and Management Solutions.

Background

Ravenscroft Nursing Home is a 46 bedded nursing home situated in Trowbridge. Current occupancy is 17 and this comprises 15 nursing placements and two residential placements. Of these placements seven are funded by Wiltshire Council and one by Wiltshire CCG under NHS Continuing Healthcare. The remainder are self-funded placements – there are no placements funded by other local authorities.

Following an inspection in September 2015, the home was rated as Inadequate and placed in special measures by the Care Quality Commission. Special Measures mean that if a home does not make sufficient improvements within six months the CQC will take action in line with enforcement procedures to begin the process of preventing the provider from operating the service.

When a care home is placed in special measures the council ceases to make new placements with the home.

Following further inspections in November 2015 and January 2016 the warning notice has been lifted. However, this does not change the rating of the home and the home is still rated as inadequate. From the council's perspective the home has remained on 'red alert' and no further placements have been made.

The home has not been fully occupied for some time and the provider has decommissioned unoccupied beds pending a programme of refurbishment.

In January 2016 Larchwood reviewed the refurbishment required to ensure the home was fit for purpose. Structural repairs were estimated at £600,000 with an additional cost of providing alternative accommodation for the remaining residents during the 6 month refurbishment period. The property (including planning permission for 35 additional bedrooms) is currently valued at £650,000 and therefore Capita have made the decision that it is no longer economically viable to continue to operate Ravenscroft Nursing Home.

Commissioning and contract management actions to date

- 9 March 2016 - meeting with Operations Director of Larchwood to discuss sustaining service during the notice period, communication strategy and how we can work together to achieve an efficient and effective transfer of residents.
- Larchwood have confirmed staff to be informed on the evening of 9 March 2016.

- Residents were informed by letter on 12 March 2016 and a resident/family meeting was held on 14 March 2016. The provider is offering one to one meetings with any resident/family who would like this.

Next Steps

- Adult Care Operations Team will allocate key member(s) of staff to provide updates to needs assessments
- Procurement Service to be asked to allocate key member of the Specialist Buyers Team to source alternative placements and to support a strategic overview of all other placements required to enable prioritisation of placements where necessary
- Weekly teleconference led by commissioning to manage and coordinate the council's response
- Weekly liaison by commissioning/provider to monitor progress and highlight issues/risks
- Press statement and briefing to be prepared in readiness for any media enquiries

Larchwood press office to be put in contact with Wiltshire Council Communications

Councillors Briefing Note No. 288

Service: Operational Children's Services

Further Enquiries to: Terence Herbert

Date Prepared: 23 March 2016

CHANGES TO COMMUNITY YOUTH MODEL SUPPORT

1. A recent operational review indicates that the Community Led Youth Model is beginning to embed well and produce some good results. Where it works well; communities are fully engaged with supporting local delivery of positive activities alongside council support staff.
2. With savings of £25m to be found across the council; we have had to look in detail at how we can make some savings through a reduction in officer support to communities; whilst ensuring that what is proving to be a successful model is further embedded and continues to be successful
3. The decision has been taken to review the amount of officer time (in the form of Community Youth Officers and Assistant Community Youth Officers) that we are currently using to support the model. As a result; all CYOs/Assistant CYOs were put at risk of redundancy today (23 March) following a formal proposal to reduce the current compliment from 18 to seven full time equivalents. We believe that the new roles we are creating will be effective in continuing to support community led youth delivery across localities and community areas – We intend to create two new roles to achieve the above; Locality Youth Facilitator (LYF) and Assistant Locality Youth Facilitator (A/LYF).
4. We propose to update roles in order to ensure that they remain effective. Going into this formal 45 day consultation with staff; which commenced today (23 March), we aim to move the roles into the 'Community Engagement and Governance' team so that the new roles will be a full part of the area board delivery in each area. The changes will also produce improved links between the relevant areas and the responsibility to lead the new roles will be taken on a day to day basis by Community Engagement Managers.
5. It is recognised that the above proposals will impact on how area boards are currently using Community Youth Officers/Assistant CYO. Under the new proposals; the remaining seven full time equivalent staff will be shared across several community areas or localities. Essentially community areas will become more adept at managing local arrangements with the community

resource that they have round the table; in line with the council's priority to enable communities to do more for themselves.

6. Please be aware that currently your local CYO/Assistant CYO – with effect from today (23 March) - has been placed at risk of redundancy which is likely to have some impact on their current situation. This is an unsettling time and council staff affected will need to be supported through the process by all those working alongside them. It is our intention to offer those CYOs/Assistant CYOs who may be displaced, as many redeployment opportunities as possible across the wider council and within the council's Early Help Service.
7. If you wish to know more about the proposals and to view the new proposed job descriptions for the new 'Locality Youth Facilitator' and 'Assistant Locality Youth Facilitator' role, in addition to proposed new structure charts; please contact Mal Munday – Head of Service for Early Help and/or Steve Milton – Head of Service Communities and Governance for more information.

mal.munday@wiltshire.gov.uk

steve.milton@wiltshire.gov.uk

Councillors Briefing Note

No. 289

Service : Corporate Office
Further Enquiries to: Liz Creedy
Date Prepared: 04/04/2016
Direct Line: (01225) 713086

This is to further advise councillors of the legislation change with regards to Members' expenses and provides additional details of the amendments that come into effect from April 2016 under the new Finance Act.

The Chancellor's Budget Statement in 2015 included the amendment of payment of tax on councillors' home to work travel expenses and the Finance Bill in which this was included and which received Royal Assent on 18 November 2015.

2.70 Taxation of councillors' travel expenses – *As announced at Autumn Statement 2014, the government will exempt from income tax travel expenses paid to councillors by their local authority. The exemption will be limited to the Approved Mileage Allowance Payment (AMAP) rates where it applies to mileage payments. This change will take effect from 6 April 2016. (Summer Finance Bill 2015).*

Details shown within the Finance Bill can be found [here](#). In essence, this means that any claims submitted for the *home to permanent workplace journey* of a councillor will now be covered by the HMRC approved mileage rates, which currently stands at 45p per mile, provided that the councillor's home is not more than *20 miles* from the boundary of the local authority area. The exemption for the home to work journey will also apply to any passenger payments that are made if the passenger is also a member of the local authority.

A reminder that claims will now need to be submitted via the SAP portal. Should any claims cover more than a three month period, they will need to be approved by the Monitoring Officer or a Corporate Director before any payment is processed. We will continue to work with members to ensure they are comfortable with using the SAP Portal system and offer every assistance possible. If you do require training, please contact corporatebusinesssupport@wiltshire.gov.uk.

Councillors Briefing Note

No. 290

Service: Economy and planning

Further Enquiries to: Alistair Cunningham

Date Prepared: 13 April 2016

Direct Line: 01225 713247

Army Basing Programme: Development for 917 homes agreed at Strategic Planning Committee

Major development to support the Army Basing Programme which will bring 4,000 military personnel and their families to Wiltshire, has been agreed today subject to conditions.

The Army Basing Programme will transform Salisbury Plain into the Army's largest training area in the UK with three high readiness Reaction Force Brigades based in Wiltshire by 2019.

Wiltshire Council has been working with the Defence Infrastructure Organisation (DIO), the Army and partner organisations to ensure the right level of facilities and services including education, transport, leisure and healthcare provision are in place in time for the relocation of service personnel and their families.

Today three planning applications to build a total of 917 homes for service personnel in Larkhill, Ludgershall and Bulford were considered by the Strategic Planning Committee.

The committee gave permission to proceed subject to planning conditions and meeting Section 106 agreements on areas including highways infrastructure, education provision, healthcare, sports, leisure and community facilities, and sustainable transport.

The MOD is a major employer in Wiltshire and plans to invest nearly £1 billion in the Salisbury Plain area under its Army Basing Programme. The local economy will benefit from the jobs created during the construction programme and the additional spend of the 4,000 service personnel and their families.

Once the Section 106 is signed, permissions will be granted with specific conditions. The work on building the homes is anticipated to start in 2017 in readiness for the main arrival of service personnel by 2019.

For more detail please see the SPC agenda at
<https://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=145&MId=10088>

-ends-

Councillors Briefing Note

No. 291

Service : Strategic Assets & Facilities Management
Further Enquiries to: Ian Gillard
Date Prepared: 4 April 2016
Direct Line: (01225) 718 704

Proposal for reducing overheating in Trowbridge Library at County Hall

Background

The library space is currently overheating, mainly due to the solar gains from the south-east facing glazing. This elevation receives sunlight for much of the day and the heat that is added to the space is measurable and significant. Currently this is managed by closing mechanical blinds inside the room adjacent to the windows. This is partially effective, but removes much of the good quality natural light from the space. Unfortunately the blinds themselves become hot and emit the heat into the room, which reduces the effectiveness of this solution.

Additional capacity for the ventilation system has already been installed to reduce the effect and the space is chilled using cooling equipment that is expensive to run, but library users and operators complain regularly that the space is still much too hot at certain times.

A proposal was presented to reduce solar gain through the glazing. Several options were considered.

Recommended and Approved Option

Based on the business case and technical feasibility the approved option is to apply a film to the existing glazing units.

A tinted film will be applied internally that will not require the removal of the existing white lettering. The tinted film will be a bronze mirrored effect when viewed externally which will be consistent with the glazing to the north east elevation adjacent to the main entrance to County Hall which has a similar effect. When viewed from within the building it will still allow people to see out.

This film option is approximately 80% effective at reducing solar gains. The north east elevation library glazing would not be treated and this is the elevation that is seen from the car park and by most building users.

For Information Only – Rejected Options

Option 1 - Visors

The possibility of fitting visors to the glazing (of a similar type as used at Monkton Park for example) has been considered. This has a significant visual impact and would substantially change the appearance and characteristics of the building on that elevation. This would be clearly visible from a distance. It is not known whether this would require planning permission. The structural implications are not defined. This represents an expensive option that will take many years to pay back, if at all.

Option 2 – Alternative Glazing Units

There are other glazing unit options available on the market to replace those already installed, including those with integral blinds between the panes of glass and with more effective special tinting. While these would likely be much more effective than the existing glazing units the costs, and level of disruption to the library users, are very significant. This option would be unlikely to pay back.

For further enquiries please contact Ian Gillard: ian.gillard@wiltshire.gov.uk

Councillors Briefing Note

No. 292

Service : Occupational Health & Safety
Further Enquiries to: Frances Chinemana
Date Prepared: 21 April 2016
Direct Line: 01225 716799

Council receives workplace health accreditation

Wiltshire Council has demonstrated its commitment to the health and wellbeing of its staff by being awarded the highest rating of 'excellence' under Public Health England's national Workplace Wellbeing Charter.

Starting in 2014, and focussing on accreditation under the Workplace Wellbeing Charter, the Workplace Health project reviewed the health, safety and wellbeing provision offered by the council. In doing this the council was audited and benchmarked against an established and independent set of workplace health standards.

This has allowed the council to identify what it's doing well and where improvements can be made in relation to workplace health.

The charter consists of eight areas – Leadership, Absence Management, Health & Safety, Mental Health, Smoking & Tobacco, Healthy Eating, Physical Activity and Alcohol & Substance misuse.

A number of sub-projects and activities have taken place since the project began in 2014. Although health promotional events are only a small part of the overall objectives, large numbers of staff have engaged with a series of awareness raising campaigns, events and initiatives around employee wellbeing. These have included:

- Health MOTs consisting of blood pressure, cholesterol and carbon monoxide checks for staff based in council depots
- The creation of mandatory mental health e-learning for all staff
- Drop-in talks across all hubs on the signs and impact of depression including same day occupational health appointments if required
- Month long 'Calorie Counter' campaign across all hubs to encourage stair usage and reduce sedentary behaviour
- Increase the availability and usage of sit-stand desks among office based staff
- Introduction of computer based pop-up notifications which identify when a member of staff has been at their computer for an hour to interrupt prolonged sitting and encourage them to stretch and move around

- Trialling free to use health monitors in all hubs which allow staff to measure height, weight, pulse rate, BMI and blood pressure
- The creation of a corporate healthy eating policy and action plan
- A week long healthy eating campaign across all hubs which included a competition to design a healthy lunch, taste test workshops to identify hidden sugar, salt and fat in foods, interactive healthy eating display, cooking demonstrations and food labelling workshops

Statistics:

- A health survey was completed by over 1,500 employees
- 45 staff based at council depots were given Health MOTs
- More than 1,700 staff have completed the MH awareness e-learning
- 110 staff attended mental health drop-in sessions
- Two sit-stand desks were introduced initially to enable teams to test them. Given the demand this was increased the number of desks available and now have 24 spread over eight buildings.
- The computer pop-ups to interrupt prolonged sitting are enabled on 4,458 employee computers

The charter assessment culminated in two days of interviews with staff from across the organisation on 12 and 13 April. The assessor who conducted the interviews, said of her visit: "I would like to thank everyone involved who made the assessment a seamless process and for the warm hospitality offered during the visit. It is not often you can honestly leave an organisation and think that it was not a workplace you had left but a community".

The council will receive the assessor's full report soon.

Teams from across the council have worked on this project including occupational health and safety, the programme office, leisure, public health, facilities management, public protection, equalities and diversity, human resources, transformation, communications and ICT.

The occupational health and safety team will now be leading on a strategy to realise the benefits made possible by the project and to further embed positive workplace health management standards. This strategy will:

- a. further influence and embed positive management behaviour in relation to health awareness and sickness absence;
- b. further influence and engage staff participation in health promotional events and awareness training;
- c. ensure a consistent and sustained communication strategy that promotes and celebrates positive health as a key workplace priority.

Councillors Briefing Note

No. 293

Service: Adult Care Strategy and Commissioning

- ***Further Enquiries to:*** Olly Spence - Community Commissioner
- ***Date Prepared:*** 28 April 2016
- ***Direct Line:*** 07825 734154

Re: Proposals to revise the council's adult care charging policy for care at home

Introduction

The Adult Care Community Commissioning team are currently leading on a public consultation regarding proposed changes to the adult care charging policy (i.e. how much people contribute to the cost of the social care services funded by the council that they receive).

The proposal to proceed with this consultation including an outline of the proposed changes was approved by the council's cabinet in January and the consultation started on 8 March, it is scheduled to finish on 6 June.

Unlike health services which are free at the point of access, adult social care support is means-tested in line with national guidelines. The proposed changes have been made in response to the Care Act (2014), to align Wiltshire's approach with that of other local authorities and to ensure the council can continue to deliver sustainable care and support services.

The proposed changes will only impact on customers who contribute towards care services in their own home and will not impact on those contributing towards care in a permanent residential care setting where 100% of disposable income is already taken into account when calculating contributions.

The proposed changes

- To take into account 100% of disposable income¹ - the council currently only takes into account 80% of disposable income.
- To take the full rate of attendance allowance into account when assessing how much people need to contribute - the council currently only takes the lower rate into account even if the individual receives the higher amount.

¹ Disposable income is the amount of money an individual has available after household expenses, general living allowance and any disability related expenditures have been accounted for.

- To update the list of allowable Disability Related Expenses (DRE). DRE items are things people have to spend money on as a result of a disability or illness and are disregarded when calculating how much people may have to contribute.

The consultation process

The consultation will run for three months and is scheduled to end on 6 June. People who are likely to be affected by any changes were contacted via letter to set out the proposals and encourage them to get involved. In addition to these individual letters a series of public meetings have been facilitated by Healthwatch Wiltshire.

How people can get involved

The consultation survey can be found on the council's website:

<http://www.wiltshire.gov.uk/news/articles/httpwwwwiltshiregovuknewsarticlescare-services-policies-consultation>

People can also contact the council or Healthwatch Wiltshire (01225 434218) to request paper copies of the survey, pose individual questions or organise one to one meetings.

For more information please contact Olly Spence olly.spence@wiltshire.gov.uk

Councillors Briefing Note

No. 294

Service: Corporate Function and Procurement

Further Enquiries to: [Liz Creedy](#)

Date Prepared: 4 May 2016

CHANGES TO VOLUNTARY, COMMUNITY AND SOCIAL ENTERPRISE (VCSE) SUPPORT

1. As chairman of the Wiltshire Compact I would like to update you of the changes to the VCSE support arrangements.
2. The current agreement for a single, county-wide VCSE support service came to an end on 31 March 2016. Over the past year the council has consulted with providers and users of this service to understand how best to provide support in the future.
3. In support of its vision to create stronger and more resilient communities the council is shifting from supporting a single, county-wide VCSE support service to enabling VCSE groups to support and develop themselves at a local level.
4. The council's area boards engage with local communities, parish councils, organisations and volunteers to provide advice, support and shared knowledge particular to the locality. The area boards will be a greater focus for VCSE groups seeking advice and support. The Community Engagement Managers are working with the area boards to build community capacity by assisting voluntary and community sector groups, encouraging volunteers and tapping into local resources.
5. The area boards will assist VCSE groups to collaborate and encourage self-sufficiency through stronger partnership working between VCSE and public/private sector organisations to facilitate the delivery of agreed local priorities. VCSE events will continue to be promoted and an annual community volunteering award is currently being considered.
6. VCSE groups will be encouraged to continue to build local networks and to consider a joined up approach, particularly in relation to resource, finance, training, and enhancing and increasing volunteering opportunities to continue to develop the local VCSE sector.

7. Provision of an accredited volunteer centre will be assessed pending the outcome of transitional funding arrangements with the current provider.
8. If you wish to know more about the new arrangement, please contact [Liz Creedy](#) – Head of Corporate Support and/or [Steve Milton](#) – Head of Service Communities and Governance for further information.

Cllr Chris Williams

Chairman of the Wiltshire Compact Board

Councillors Briefing Note

No. 295

Service: Highways & Transport
Further Enquiries to: Parvis Khansari parvis.khansari@wiltshire.gov.uk
Date Prepared: 13/04/2016
Direct Line: 01225 713340

Public Transport review - members briefing note for full council on the 10th May

Purpose of this briefing note

To inform members about the current position of the review of public transport, in preparation for Full Council, where a debate will be held on the Salisbury Journal's petition Stop Bus Cuts [STOP BUS CUTS](#), which has secured over 6,000 online and paper signatures.

Background to Public Transport in Wiltshire

Roughly 50% of the bus mileage that operates in the county is operated on a commercial basis with no funding from the Council, while the other 50% is not considered by the operators to be commercially viable and is funded by and operated under contract to Wiltshire Council. In the 2014/15 financial year, Wiltshire Council spent £4.653 million on supported bus services (including demand responsive services but excluding the Salisbury Park & Ride), plus a further £984,500 of funding provided by central government to replace the Bus Service Operators Grant that they used to pay direct to the operators.

The largest proportion of spend (42% of the total) is on regular rural services. These typically operate between two market towns (e.g. Malmesbury – Cirencester, Shaftesbury - Salisbury), although their main function is to provide a service from the intermediate villages to either or both of the two towns. They currently provide at least 4 journeys every weekday in each direction, often running two hourly or sometimes more often in each direction.

Town services (for example in Devizes, Trowbridge, Melksham, Warminster etc.) account for the next highest proportion of spend (20% of the total), followed by non-commercial strategic network services, evening services, infrequent rural services (mainly shoppers buses running only on certain days of the week), and Sunday services in that order.

Support per passenger journey ranges from 0.19pence per passenger trip to £17.57 per passenger trip, but overall the average is £1.97 per passenger trip, with rural services generally costing more in relation to the number of passenger trips, reflecting both the lower population density of the areas served and the less frequent (and therefore less attractive) service offered. The Local Transport Plan states that Wiltshire should, unless there are extenuating circumstances, support up to £3.50 per passenger trip.

In addition to the costs to the public transport budget identified above, many supported bus services also either carry school or college students who are entitled to free transport, or are operationally linked to school or college transport journeys. The costs of providing this transport are charged to the education transport budget, and this integration of transport and the associated sharing of costs plays a vital role in reducing the cost of providing the public bus service. In the same way, entitled school and college students are also allocated to many commercial bus routes and this helps to support their viability.

In 2014/15 the council also spent £381,600 on support for community and voluntary transport. This provided grants to support the operation of existing community transport minibuses, voluntary car and Link schemes, and also funding for staff in the voluntary sector who work with community groups to support and maintain their activities and to assist them to expand. Most of the community minibus schemes provide services for particular client groups, particularly elderly or disabled people who are unable to use ordinary bus services, although some also run community bus services open to the general public. The Link schemes, of which there are currently over 40 covering 98% of rural addresses in the county provide transport for essential journeys that would otherwise be difficult or impossible to make.

Local authority supported bus services in a national context

Due to a significant reduction in government spending and the discretionary nature of public transport, there has been a widespread reduction in supported public transport throughout England in the past 3 to 4 years. These bus service reductions are set to continue for many local authorities.

Wiltshire has made some service reductions, but on the whole has largely protected its public transport network in line with its current Local Transport Plan. There is also no plan to make any bus service reductions in the 2016/17 financial year.

According to The [Campaign for Better Transport](#):

- 64 per cent of jobseekers either have no access to a vehicle or cannot drive
- Young people are amongst the biggest users of bus services , whilst 40 per cent of people over 60 use the bus at least once a week
- Passenger cars produce nearly 60 per cent of all CO2 emissions from road transport in the UK, compared with just 5 per cent from buses
- If drivers switched just one in twenty five of their car journeys to bus or coach, it would mean one billion fewer car journeys per year
- Every £1 of public investment in buses provides between £3 and £5 of wider benefits
- Bus commuters generate £64 billion in economic output every year

Some other rural authorities such as Devon and Cornwall are yet to make any real significant reductions to public transport, as they have prioritised this, recognising the strategic importance of public transport for both the economy and social / health care reasons.

Pre Consultation

As a first step in the review, a pre-consultation scoping paper, associated documents and questionnaire was developed to provide key stakeholders and partners with an overview of passenger transport, and an opportunity to shape the scope of the review. The paper, associated documents and questionnaire were made available via the council's consultation portal between 8th July and 31st August 2015. Five workshops were undertaken during the pre-consultation phase with key stakeholder groups, to discuss the scoping paper, and to provide stakeholders with an opportunity to communicate their priorities, ideas, and concerns. Discussions were also held with key Wiltshire Council services and bus operators.

Some 160 questionnaires were returned and a bus survey was provided by Christian Malford Parish Council. Other non-questionnaire responses were also received from various groups. A paper, setting out all the questionnaire comments received along with the council's responses was posted on the council's LTP3 webpage in October 2015.

In brief summary, the key points that came out of the pre-consultation exercise are as follows:

- The overall feedback highlighted the importance of bus services to users, communities and public sector service providers.
- Community transport will not be able to provide transport alternatives on any significant scale.
- There is little scope to make subsidised bus services commercial.
- There were no new 'big ideas' suggested that would make significant financial savings within the necessary timeframe.
- There is limited potential for further savings in other areas of the Council's public transport budgets.

Public consultation exercise

Based on the pre-consultation findings and in the context of Wiltshire Council's continuing budget pressures and the experience of other councils, officers developed six savings options for supported bus services that were included in a 'Public Consultation Paper' (which also included information on the national and local policy context, relevant research findings (including the extent of bus service cuts in other local authority areas) and current bus service provision in Wiltshire). Questions on the savings options (and other relevant questions) were also included in an associated questionnaire.

It was highlighted in the consultation paper and questionnaire that the consultation was focused on Wiltshire Council supported bus services and *not* commercial bus services. It was also highlighted that the consultation was not a detailed consultation on particular routes, timetables or destinations, and as there would be many combinations of possible supported bus service changes, the council had not yet determined what these changes might be (information on bus services 'at risk' was provided however). Instead, it was made clear that responses to the consultation would help guide the council's subsequent decisions on any supported bus service changes and determine impact and priority of bus usage, as best a questionnaire can do.

The full suite of consultation documents was as follows (all of which were made available on the Wiltshire Council Consultation Portal):

- Public Consultation Paper
- Questionnaire
- Frequently Asked Questions paper
- LTP Public Transport Strategy (current version)
- Bus Services that operate with funding from Wiltshire Council (as at December 2015)
- Bus Service Maps
- Equality Evidence Analysis Document
- Strategic Environmental Assessment (SEA)
- Habitat Regulation Assessment.

The public consultation exercise was undertaken from 11 January 2016 to 4 April 2016 (the Strategic Environmental Assessment being available from 15 February 2016 to 4 April 2016). A variety of means were used to inform people of the consultation:

- Wiltshire Council Consultation Portal
- Documents made available in specific libraries
- Questionnaires made available on supported bus services
- Press releases
- Parish newsletters
- Social media promotion
- Area Board 'Chairman's Announcements'
- A featured item on the 'News from Wiltshire' section of the council's website
- Correspondence with Chambers of Commerce
- Correspondence with Salisbury and Chippenham Business Improvement Districts
- Emails sent to some 6,000 Area Board contacts
- Promotion of the consultation by DEVELOP (which supports voluntary and community organisations) and the Wiltshire Forum of Community Area Partnerships
- Included in the November 2014 business newsletter sent by the Economic Development Team to some 2,000 business contacts
- Emails sent to Wiltshire 100 business contacts (107 businesses)
- Emails sent to some 4,000 Leisure Service contacts.

Emerging Consultation Outcomes

Over 11,000 questionnaires were returned, making it the second largest response to any Wiltshire Council consultation. Due to this significant number, it is not possible to provide the final results at this stage, particularly as there is significant analyses of the free text comments (4,000) received, which are all being read, categorised and sub categorised.

In general, those people who have responded to the questionnaire can be categorised as follows:

- 42% are male 57% female
- 58% of respondents are over 65 years old
- 28% of respondents say they have mobility problems
- 62% of respondents have access to a car but 28% do not
- 64% have a concessionary bus pass

The results very much followed the same line as the outcomes from the pre consultation phase, with the main priority being on rural and strategic network services, so that people / communities do not become isolated. There was less of a priority placed upon on evening's and Sunday services. The table below represents the different types of service that was consulted upon and the priority the respondents placed upon each of them.



Option 24/7

Option 24/7 is a community interest group, details of the group can be found at the following link:

<http://option247.uk/index.html>

Their proposal is to franchise bus services in Wiltshire, by using revenue generated from the commercial, profitable bus services (not subsidised or managed by Wiltshire Council), to subsidise the bus services which Wiltshire Council funds. Powers to achieve this already exist in current legislation, but to date no other local authority in the country, including the large metropolitans, where bus usage and profitability, are significantly higher than in Wiltshire have achieved this.

New legislation in the form of the buses bill will likely receive royal ascent in the spring / summer of 2017, which will make it clearer how franchising and enhanced partnership working with bus suppliers and other key stakeholders might look like. Unfortunately, this does not necessarily tie in with the timescales for this review. However, the Option 24/7 should not be discounted and officers will continue to work with representatives of the group to develop the concept. Officers and members have met with representatives of 24/7 on three separate occasions, who have presented their ideas this included a workshop event

Future Process

A paper outlining the results of the consultation will be presented to the Environment and Select Committee on the 7th June 2016 and Cabinet on the 14th June 2016. Following this, it is planned to bring a paper to Cabinet in September 2016 outlining recommendations for the future of public transport provision in Wiltshire. The recommendations will determine how the review should progress. It maybe that further public consultation is required, particularly if more significant bus service reductions are required.

Members will be kept up to date on the progress of the review through overview and scrutiny meetings and further briefing notes, where required.

Councillors Briefing Note No. 296

Service: Children's Services

Further Enquiries to: Julia Cramp

Date Prepared: 16 May 2016

Direct Line: 01225 713814

Future of children's centre services announced

The two organisations which will deliver Wiltshire Council's continued £3.5m investment into children's centre services over the next few years have now been announced.

Last autumn Wiltshire Council undertook a wide ranging consultation on proposals for delivering the services which are designed to improve outcomes for young children and their families, and reduce inequalities in children's life chances.

The services aim to support good early child development, raise parenting aspirations and improve parenting skills. There is also support to improve parents' education and learning and improve child and family health and life chances overall.

The widespread public feedback on the consultation last autumn helped shape the proposals for future delivery of the services. From 1 July children's centre services will be delivered in 17 dedicated children's centre buildings in areas of highest need while in other areas the staff will deliver the services from a range of community settings at flexible times to meet local need.

All children's centre services will be linked to one of four geographical clusters with clear ways of accessing help and advice. Spurgeons will deliver children's centre services in the east, west and south of Wiltshire while The RISE Trust will deliver services in the north.

The majority of the vacated children's centre buildings will be used to provide extra childcare facilities to meet the new government policy on extending free entitlement to childcare for three and four year olds.

Below is detail on which children's centre services buildings will remain in each area.

North cluster

Cricklade; Royal Wootton Bassett;
Chippenham (The Rise), Chippenham (Spring Rise), Calne
King's Rise Children's Centre in Chippenham

South Cluster

Salisbury City; Salisbury (Little Folly);
Bulford; Tisbury (Nadder Community
Health & Wellbeing centre), Mere

East cluster

Tidworth (Windmill Hill), Pewsey,
Devizes South

West Cluster

Trowbridge Studley Green
Trowbridge Longfield
Westbury (White Horse)
Melksham (Canberra)

Councillors Briefing Note

No. 297

Service : Operational Children's Services (Terence Herbert, Associate Director)
Further Enquiries to: Laurie Bell / Steve Milton (Communities, Transformation and Governance)
Date Prepared: 18 May 2016
Direct Line: (01225) 713618

UPDATE – CHANGES TO OFFICER SUPPORT FOR THE COMMUNITY LED YOUTH MODEL

We have looked in detail at how we provide support to the Community Led Youth Model, while ensuring it continues to be successful and becomes further embedded. A recent operational review (December 2015) shows the model is producing good results particularly where communities are fully engaged alongside council staff in supporting local delivery of positive youth activities.

The changes now underway will reduce the number of Community Youth Officers from 18 to 7. The new roles will be called Locality Youth Facilitators (LYFs), overseeing a number of community areas. The community areas will be grouped into hubs as follows:

| North Hub Area | Central Hub Area | South Hub Area |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Corsham, Chippenham, Calne, Royal Wootton Bassett, Malmesbury and Marlborough | Bradford on Avon, Trowbridge, Melksham, Westbury, Warminster, Tidworth, Pewsey and Devizes | Salisbury, Amesbury and Durrington, South Wilts and South West Wilts |
| 3 LYFs | 2 LYFs | 2 LYFs <i>please see below</i> |

The Locality Youth Facilitators will be directly line managed by the Community Engagement Managers. This will lead to improved linkages and more effective direct delivery despite the lower numbers of staff.

Local Youth Networks (LYNs) and their management groups will continue to be supported and area boards will continue to have revenue funds to help local providers of positive activities for young people. This is in line with the council's priority to enable communities to do more for themselves. All council officers involved (all 18 Community Engagement

Managers and Locality Youth Facilitators) are equally committed to working in partnership to continue to make local delivery successful.

Although we have been successful in filling five of the seven redeployment roles, it has not been possible to find two roles to cover the South Hub Area. Our intention is to commission a third sector organisation to take on this role as soon as possible. Updates will be provided as necessary to ensure that all affected area boards are aware of the timetable.

The following five staff have been appointed to the north and the central hub areas:

Jan Bowra, Helen Bradley, Emma Drage, Nicola Sage and Richard Williams

Head of Service Steve Milton will confirm in due course which Locality Youth Facilitators are identified for which areas and which Community Engagement Managers will be their line managers.

They will continue to support (and be supported by) our two apprentices, Natalie Viveash and Jack Oatley.

The new Locality Youth Facilitator roles will start on 1st June 2016 and it is planned that (where notice periods allow) there will be a period of crossover and handover between old and new.

While we are making changes to officer support, we are not making direct changes to the services of the Community Led Youth Model targeted for children and young people in need of additional support. Vulnerable young people will continue to receive all the necessary support they need, and there are clear pathways in to Early Help to ensure that young people's needs can be addressed at the earliest opportunity.

The Early Help Service is part of Operational Children's Services and currently consists of staff working across Wiltshire, covering roles such as:

- Educational Welfare Officers
- NEET Personal Advisers
- Youth Offending and Prevention
- Targeted Youth Support, targeted educational support staff working in schools
- Ethnic Minority Achievement
- Behaviour Support
- Travellers Support
- Medical Needs Support staff
- Early Years Intervention Officers.

If contact is required with any member of the Early Help Service there is one single number to call – 01225 718230. The Early Help single point of entry number is available every day between 9am and 4.30pm, and staff receiving calls will promptly direct callers to the right part of the service that they require.

If those in the community are directly concerned about a young person's safeguarding or child protection issues; contact should be made with the Multi-Agency Safeguarding Hub (working hours) on 0300 456 0108. If the concerns are out of working hours, the Emergency Duty Service can be contacted on 0845 60 70 888.

If you wish to know more about the role of the Locality Youth Facilitator; the job description can be made available. For more information – contact: steve.milton@wiltshire.gov.uk

Councillors Briefing Note No. 298

Service: Highways and Transport

Further Enquiries to: Spencer Drinkwater

Date Prepared: 20 May 2016

Direct Line: (01225) 713480

THE 'SUBSTANTIVE HIGHWAYS SCHEME FUND' BID APPLICATION PROCESS FOR 2016-17

Background

In April the Local Transport Plan Programme for Integrated Transport was agreed by the Cabinet Member for Highways and Transport. As in previous years, a Substantive Highways Scheme Fund was made available to enable Area Boards to bid for funding to deliver priority transport schemes that exceed their Discretionary Highways Budget. The Substantive Highways Scheme Fund for 2016/17 has been set at £150,000. As in previous years, bids for this funding will be assessed according to their value for money and their deliverability as set out below.

Mechanism for Awarding Substantive Highways Scheme Funding

The mechanism to be used to award Substantive Highways Scheme Funding in 2016 will again be that agreed by the Cabinet Member for Highways and Transport in July 2011.

With this mechanism, competing scheme bids are assessed and awarded funding according to two factors:

- Value for money
- Deliverability

Value for money is the ratio of the cost and benefit of the prospective schemes. Under this system, the benefit is determined from the priority score following assessment under the Scheme Assessment Framework (see **Appendix 1**) and the cost is that which would be borne by the Council in implementing the scheme. In this way, the cost/benefit ratio of any scheme is calculated to both acknowledge and stimulate contributory funding from town/parish councils and other external bodies.

Deliverability is an assessment of how challenging a scheme would be to implement within a given financial year, considering technical, legal/procedural, operational, financial and public factors. Schemes are given a 'confidence score' based on these factors.

Appendix 2 sets out the Substantive Highways Scheme Bid Evaluation Formula incorporating the above value for money and deliverability criteria. It should be noted that, as the Council is looking to fund those schemes that are easily deliverable, and offer the maximum benefit for the minimum cost, the successful bids will be those that achieve the lowest score.

Eligibility to Bid for Substantive Highways Scheme Funding

An Area Board is eligible to bid for Substantive Highways Scheme Funding when the cost of implementing a scheme is estimated to exceed its annual Discretionary Highways Budget allocation.

Schemes which can be achieved within an Area Board's Discretionary Highways Budget or where it is reasonable and realistic to implement discrete, stand-alone sections in phases over time are not eligible for Substantive Highways Scheme Funding. However, projects that comprise a number of separate but linked elements that form an integral highways improvement will be eligible.

Each bid must include a local financial contribution to the scheme. This can come from the relevant CATG or another source, such as a town or parish council, or be a combination of different sources. In addition, the sum of the local contribution and the bid for Substantive Highways Scheme Funding must cover the full estimated cost of implementing the scheme.

Area Boards can make more than one bid, although bidding more than once is likely to reduce an Area Board's chances of success as the bids would effectively compete against each other.

Schemes for which bids are submitted must have had feasibility appraisals undertaken which demonstrate that they are feasible and deliverable within the 2016/17 financial year.

Bidding Process

Bids should be completed on the attached pro-forma application form (**Appendix 3**) and submitted by Friday 1 July 2016 to the highways officers serving the relevant Area Board Community Area Transport Group. Highway officers will then score the scheme bids in accordance with **Appendix 2**.

It is anticipated that a decision on the awarding of funding will be made by the end of July 2016 by the Cabinet Member for Highways and Transport.

INTEGRATED TRANSPORT SCHEME ASSESSMENT FRAMEWORK

| OBJECTIVES | FACTOR | DESCRIPTION | SCORE |
|---------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| SAFETY | Accidents | Number of pedestrian/cycle accidents over proposed length of scheme (last 3 years); 2 points per accident up to a maximum of ten points for five or more accidents | (0 – 10) |
| | Threat and Intimidation | Traffic volumes: < 300v/hr = 0pts, 300-600v/hr = 2pts, > 600 v/hr = 3pts Traffic speeds: 0-5mph asl* = 0pts, 5-10mph asl* = 2pts, > 10mph asl* = 3pts % HGVs: < 1% = 0pts, 1-5% = 1pt, > 5% = 2pts % through traffic: < 10% = 0pts, 10-50% = 1pt, > 50% = 2pts Existing facilities: 1 point deducted for each existing facility | (0 - 10) |
| ACCESSIBILITY | Population Benefiting | Number of people potentially benefiting from a scheme: 0-10 = 1pt, 10-100 = 2pts, 100-200 = 3pts, 200-500 = 4pts, 500-1000 = 5pts, 1000-2000 = 6pts, 2000-4000 = 7pts, 4000-8000 = 8pts, > 8000 = 10pts | (0 – 10) |
| | School Travel | Would a scheme offer improved facilities or a safer environment for children walking/cycling to school(s)? Yes = 5pts; No = 0pts Does the school have a 'live' School Travel Plan? Yes = 5pts; No = 0pts | (0 – 10) |
| | Amenity Links | To what level would a scheme serve local amenities: 2 points each for a food shop, leisure centre, community centre, public house and Post Office | (0 – 10) |
| ECONOMY | Economic Considerations | Would a scheme improve pedestrian/cycle access to an urban commercial/retail area? Yes = 5pts; No = 0pts Would a scheme improve the pedestrian/shopping environment in an urban commercial/retail area? Yes = 5pts; No = 0pts | (0 – 10) |
| INTEGRATION | Network Linkages | Would a scheme improve existing networks? Link on a town cycle network = 5 pts (Link on a recreational cycle/walk route = 2pts) Improved pedestrian link = 5 pts Improved disabled access = 5pts Link to a bus/rail station = 5pts (link to bus stop = 2pts) | (0 – 20) |
| ENVIRONMENT | Environmental Considerations | Could the scheme help achieve modal shift and reduce car use? Yes = 5pts; No = 0pts Is the scheme in an Air Quality Management Area? Yes = 5pts; No = 0pts | (0 – 10) |

* asl = Above speed limit
CM09734 App1

APPENDIX 2

Cost/Benefit

| Scheme Name | Total Cost of Scheme (£000s) | Contribution (from CATG or other party) (£000s) | Cost to WC (£000s) | Benefit Score (from Scheme Assessment Framework) | Cost to Benefit Ratio |
|------------------|------------------------------|-------------------------------------------------|--------------------|--------------------------------------------------|-----------------------|
| | A | B | A-B | 0-90 | A-B/Benefit Score |
| Example Scheme X | 60 | 30 | 30 | 50 | 0.60 |
| Example Scheme Y | 60 | 0 | 60 | 50 | 1.20 |

0 = no risk
1 = low risk
2 = medium risk
3 = high risk

Deliverability

| | | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Technical | From a technical standpoint, what is the level of confidence in our ability to implement the proposal? Are there any likely departures from standards involved in developing or implementing the proposal? Is there sufficient land to implement a scheme that meets standards? | x |
| Legal/Procedural | Are there any statutory procedures that are likely to prove a barrier to delivery? What is the level of confidence that they can be dealt with? | x |
| Operational | Are there any aspects of the proposals which would result in the Council incurring significant additional costs over its projected life? | x |
| Financial: | Evidence from past transport projects illustrates that there is a systematic tendency for project appraisers to be overly optimistic when estimating costs. This assessment should appraise the likelihood of the project being delivered within the estimated cost. | x |
| Public | Has the proposal been made public? If so, how acceptable is the proposal? Are there likely to be objections from particular sections of the community or from particular areas? | x |
| Deliverability Score | | $\sum x \div 5$ |

Overall Score = Cost/Benefit x Deliverability

Application for Substantive Highways Scheme Funding

This form should be completed and submitted to the highways officer serving your Area Board's Community Area Transport Group by Friday 1 July 2016 and copied to Spencer Drinkwater in the Sustainable Transport Group

Applicant Details:

| | |
|--------------------|--|
| Name: | |
| Area Board: | |
| Email: | |
| Tel: | |

Description and Location of Proposed Scheme:

| | |
|----------------------------------------|--|
| Scheme name | |
| Town/village: | |
| Road name/area of town/village: | |
| Brief description of scheme: | |

Scheme Costs and Funding Sought:

| | |
|---------------------------------------------------------------------|----------|
| Estimated total cost of Scheme | £ |
| Contribution from CATG's Discretionary Highways Budget | £ |
| Contributions from third parties (e.g. town/parish councils) | £ |
| Funding sought from Substantive Highways Scheme Fund | £ |

.....
Signature of Area Board Chair/Community Area Manager:

.....
Date:

Councillors Briefing Note

No. 299

| | |
|------------------------------|------------------------------------------------|
| Service : | Corporate Services and Programme Office |
| Further Enquiries to: | Marie Nash |
| Date Prepared: | 13/06/2016 |
| Direct Line: | (01225) 712617 |

Wiltshire Online Programme – Extension of the Basic Broadband Commitment Scheme

What is the Basic Broadband Commitment scheme?

This scheme has been designed to provide support to the homes and businesses that are unable to receive broadband speeds in excess of 2 megabits per second (Mbps) and who will not be benefitting from the superfast broadband rollout.

The scheme was previously referred to as the Universal Service Commitment (USC).

Who is eligible for the scheme?

Residents who are unable to receive a service of more than 2Mbps and who are not benefitting from the Wiltshire Online superfast broadband rollout programme are eligible to apply to the scheme.

Why is there a subsidy available?

The subsidy is to provide support for premises which do not have access to broadband speeds of more than 2Mbps at an affordable price; 2Mbps is the minimum speed required to undertake routine activities over the internet. The basic requirement is that premises should not have to pay more than £400 over a 12 month period to access a basic broadband service; this cost represents the monthly charges, installation, hardware and activation costs. The subsidy scheme helps make basic broadband affordable by contributing towards the cost of the equipment and installation.

How does the scheme work?

Eligible residents are provided with a subsidy code which allows residents to gain access to a subsidised broadband connection, with all of the capital costs and at least part of the installation cost paid for. Residents are able to choose from a number of retail service providers and from a variety of packages to suit their budget and needs.

How has the scheme altered?

The scheme was originally launched in December 2015 in line with our contractual commitment to provide a basic broadband service via a satellite solution.

However, Wiltshire Council has been working closely with BDUK since the launch of the scheme and we are pleased to advise that it has now been extended to include alternative technologies. For a list of current suppliers operating in Wiltshire please see Annexe 1.

Opening up the scheme to alternative technologies should see Wiltshire's residents being able to access a wider range of suppliers.

Does the scheme work the same for wireless technologies as with satellite providers?

Yes, the subsidy code can be used in exactly the same way with a wireless provider; the subsidy is used to fund the installation and equipment costs the same as with a satellite solution.

The one difference with the wireless technology is that it can be designed to serve multiple premises and could lend itself to a community based solution.

How do residents apply for the scheme?

Information about the scheme, including a list of participating providers and an online application form, can be found on the Basic Broadband Commitment pages on the Wiltshire Online website: www.wiltshireonline.org

Who do I contact if I have any queries about the scheme?

The Wiltshire Online website (www.wiltshireonline.org) is intended to be the first port of call for information. However, for specific queries, there is a dedicated email address which is broadband@wiltshire.gov.uk

Annexe 1

The following is a list of providers who are currently participating in the Basic Broadband Commitment scheme in Wiltshire:

Wireless Providers:

Wessex Internet - <https://www.wessexinternet.com/>

Satellite Providers:

Avonline - www.avonlinebroadband.com/

Bentley Walker - <http://toowayinfo.bentleywalker.com/bduk/>

Broadband Wherever - www.broadbandwherever.net/home

Corsat - www.corsat.co.uk/bduk/

Digiweb - www.digiweb.com/satellite/

Europasat - www.europasat.com/

ibub Communications - <http://www.ibub.co.uk/satellitescheme/>

Not Spot Broadband - <http://notspotbroadband.com/grant-schemes/>

Prime Satellite Broadband - <http://www.primesatellitebroadband.com/>

Primetech - www.primetech-bduk.co.uk

Rural Broadband - www.ruralbroadband.co.uk/

Satellite Internet - www.satelliteinternet.co.uk/

Councillors Briefing Note

No. 300

Service: Corporate

Further enquiries to: Carolyn Godfrey

Date prepared: 06 July 2016

01225 713751

New Refugee Families Settle in Wiltshire

Volunteers from all over Wiltshire have been working with a new group of Syrian refugee families and individuals who have arrived in the county this summer and are now making their home in Wiltshire.

The volunteers are part of a strong multi-agency approach to ensure the individuals and families have all they need to settle quickly into their new homes and communities. A group of 14 arrived in June and a further six individuals will join them later this summer.

The latest groups of families and individuals are based all around Wiltshire with each family or person having a volunteer on hand to support them as they become accustomed to the British way of life.

This time the arrivals were also able to benefit from the help and insight of the eight families (27 individuals) who had already settled in the county last December. In the few months since they arrived, they are already integrating with their communities and volunteering or gaining work experience as well as preparing to find work.

A special event was held at the Civic Centre in Trowbridge recently where the new arrivals were given guidance on accessing support and information on health and schooling.

Baroness Scott of Bybrook, OBE, Leader of Wiltshire Council, said: "I'd like to welcome the new families who are now settling into their homes and thank the many volunteers who are helping them adapt to a new lifestyle and culture.

"I'm also pleased the families who arrived last year are being so supportive as they will provide invaluable insight and guidance for our new residents as they find jobs, become self-sufficient and make Wiltshire their home."

COUNCILLORS BRIEFING NOTE

No. 301

Service Area: Waste Management

Further Enquiries to: Martin Litherland

Date Prepared: 27 July 2016

Direct Line: 01225 718524

IMPLEMENTATION OF RESIDENTS' VAN AND LARGE TRAILER PERMITS AT HOUSEHOLD RECYCLING CENTRES IN WILTSHIRE

1. Background

The Council has a statutory duty to provide sites for its residents to dispose of their household waste free of charge. It has however become increasingly common for local authorities to apply restrictions at HRCs in order to reduce the amount of waste which councils do not have a statutory duty to accept.

The Council's HRC network was the subject of service changes in 2015/16, with all sites reducing opening hours to 10:00 -16:00, five days per week. Whilst the changes reflected established patterns of usage, it is the case that the sites have become increasingly busy again since Easter this year with many sites experiencing long queues at their busiest periods. Site staff, members and council officers have observed that vans and trailers often take longer to unload so may add to the queues and delays experienced by some residents at peak times.

Wiltshire Council officers have undertaken research into the effectiveness of HRC restrictions used by other authorities and have concluded that they can help to preserve reasonable access for Wiltshire residents as well as provide additional service savings by reducing the overall amount of waste managed at the sites.

Therefore, a Cabinet member decision has been made to introduce permits for residents with vans and large trailers to enable them to continue to access the sites but up to twelve times per year only and reduce queueing times during peak periods.

2. Resident van and trailer permits for household recycling centres

2.1 The changes

From 5 September 2016, all Wiltshire residents who wish to access the HRCs in a van or with a large or medium-sized trailer will be required to present a permit at each visit. This free permit entitles each household to a maximum of 12 visits a year.

Cars, 4x4s and trailers smaller than 1.8 metres long will not need a permit to visit the sites. These vehicles make up the vast majority of those used by visitors to the sites.

The following vehicles will require a permit:

- Vans;
- Vehicles with permanently removed rear seats and/or blanked out rear/side windows;
- Flatbed or pick-up type vehicles;
- Trailers between 1.8 and 3 metres long.

The following vehicles are not permitted at any recycling centres:

- Any vehicle over 3.5 tonnes gross/laden weight;
- Trailers over 3.0 metres in length;
- Horse boxes;
- Vans or commercial type vehicles, which require a permit, towing any size of trailer.

Residents can apply for a free permit at any time after 2pm on 8 August 2016 and from 5 September will need to present this to a member of site staff who will stamp it to record the visit.

The permits do not have a time limit, residents can continue to use the permit until they have made 12 visits to a HRC. This could be over several years, but only one permit will be issued per year, meaning that residents will not be able to make more than 12 visits per year with a van or trailer. This recognises that visitors using vans or large trailers tend to bring in more waste than those visiting in cars.

2.2 Impact of the changes

As this is a new scheme it is difficult to estimate how many permits are likely to be issued. Data from other local authorities suggests that around 5,300 permits per year could be issued in Wiltshire. Very similar schemes have been successfully implemented by neighbouring local authorities, and they have all seen a reduction in waste taken to the sites. Along with a reduction in the volumes of waste, we also expect to see a reduction in overall visitor numbers, particularly visitors with larger vehicles, which will help reduce congestion at the sites.

2.3 Communications

The key aim for this campaign is to ensure that all residents using a van, pick up or large trailer (between 1.8 – 3 metres) to visit household recycling centres are aware that they will need a permit and to apply for one online by 5 September 2016. Full details of the vehicles which require a permit will be provided to residents.

Communications with residents will begin on 8 August 2016. On this date in the afternoon our website will be updated with full details and residents will be able to apply for a permit online, or over the telephone.

From this date leaflets and posters will be displayed at HRCs, council offices, libraries, leisure centres, van hire centres, DIY stores and builders merchants. Large information banners will be erected at the HRCs and the council will be issuing proactive press releases, using social media, providing information for parish newsletters and housing association newsletters, placing an article in the Your Wiltshire magazine and engaging with area boards.

3. Summary of changes

| | |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of cabinet member decision | 15 July 2016 |
| Date from which permit applications can be made | 8 August 2016 after 2pm |
| Date to be implemented | 5 September 2016 |
| Summary | Wiltshire residents who wish to use vans or large trailers to take waste to the HRCs will need to apply for a free permit, allowing them up to 12 visits per year. |

4. More information

If you require any further or more detailed information about the process, or if you have any questions, please contact the officers below –

Martin Litherland
Head of Waste Management
01225 718524
Martin.Litherland@wiltshire.gov.uk

Vicki Harris
Senior Waste Project Officer
01225 718523
Vicki.Harris@wiltshire.gov.uk

Councillors Briefing Note

No. 302

Service area: Adult Care and Housing **Further enquiries to:** Sue Geary

Date updated: 12th August 2016 **Direct line:** 01225 713922

Help to Live at Home (HTLAH) Tender process

Background

Three of the eight HTLAH contract areas were recently tendered as a result of one provider giving notice of their intention to relinquish the contract and one provider not being given an extension due to poor performance. Leonard Cheshire gave notice in two areas across the north and east of the county covering Malmesbury, Calne, Royal Wootton Bassett and Marlborough. MiHomecare's contract in Trowbridge and Melksham was not extended following issues with missed visits and an inadequate Care Quality Commission (CQC) report.

The tender resulted in all three areas being won by Mears Care Ltd, an existing HTLAH provider, giving them six of the eight contract areas.

The new contracts are due to start on the 5th September. In the case of Leonard Cheshire areas this remains the case however, due to the inadequate service on offer in the MiHomecare area and an embargo being in place for new customers, we have asked Mears to start the contract sooner and they have agreed to a 15th August start date.

Transition planning

Mears have been working with commissioners and the outgoing providers to ensure a smooth transition process, the key milestones are set out below:

Communication with customers

All of the 500 customers, who will be affected by this transition, have been written to by the Council. This sought to assure people that it was our intention to cause the minimal amount of disruption as possible to their service.

Each customer will have received a visit from the new provider prior to the start to ensure that the service that they receive is suitable to meet their needs.

Care provider staff

TUPE applies to care provider staff and they will be able to transfer to the new provider if they wish.

Group consultations have taken place with the staff of both outgoing providers and most staff have had a one-to-one meeting with a manager from Mears, to discuss any personal implications. Details in writing are also being provided to all staff.

Reaction from staff to the change has been positive, particularly in view of the higher hourly rate that Mears are able to pay care staff. Actual numbers of staff transferring will not be known until the actual day of transfer.

Premises

Mears will be taking on the lease at Lowborne House from MiHomecare. This is a Wiltshire Council owned property close to the centre of Melksham. The intention is for this to be a CQC registered office and lessen the risk associated with having all services managed out of Amesbury.

Support Plans

In the MiHomecare CQC report a lack of up to date support plans, in customers' homes, was identified as a significant risk to customers' wellbeing. On winning the contracts, Mears made arrangements with both providers to visit all of their customers in order to put new support plans in place.

Mears were helped in doing this, visiting over 500 people, from the Council's Adult Care Commissioning and Operational teams. All new support plans should be in place ready for the contract start dates.

Training

All staff transferring to Mears under the TUPE arrangements, will be required to undergo standard induction training in order to be fully conversant with new procedures and to ensure that the wellbeing of the customer is at the heart of the service they provide.

Transition Day

On the actual day of transition, commissioners from the Council will be present at the new offices to be on hand to deal with any issues that arise and help with a smooth transfer.

End

Councillor Briefing Note No.303

Service: Economic Development
and Planning

Further Enquiries: Alistair Cunningham

Date Prepared: August 2016

Direct Line: (01225) 713203

Hydrocarbon Extraction Briefing

On 1 March 2016, the Overview and Scrutiny Management Committee (OSMC) received a motion on hydrocarbon extraction originally submitted to Full Council on 23 February 2016. This follows Petroleum Exploration and Development Licences (PEDLs) being offered by Government for four blocks of land in Wiltshire.

The Committee resolved that:

Officers undertake an investigation into hydrocarbon extraction, to include technical explanations of the process, current national policy, and the process of decision making, in particular what functions are devolved to local authorities or retained at a national level, and what policies are in place in Wiltshire Council in relation to these issues.

OSMC received a report from the Economic Development and Planning Service on the 5th July, which provided information about hydrocarbon extraction to clarify the technical process, and considered national planning policies that are relevant to oil and gas exploration in the UK. It also reviewed the Council's local planning policy and set out the planning process in relation to hydrocarbon extraction applications.

The Committee noted the report and recommended it to be circulated to all Wiltshire Councillors' for information. The final report has been appended to this briefing note.

It should be noted that although PEDL licenses have been granted, no application has been received to begin Oil and Gas exploration in Wiltshire.

For ease of reference links to the previous briefing notes can be found at the bottom of page 4.

ONSHORE HYDROCARBON EXTRACTION

Briefing Paper

Economic Development and Planning

Wiltshire Council

July 2016

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Background

1. Petroleum Exploration and Development Licences

- 1.1. On 17 December 2015, the Oil & Gas Authority (OGA) announced that licences for a total of 159 blocks were formally offered to successful applicants under the 14th Onshore Oil and Gas Licensing Round. Government offered Petroleum Exploration and Development Licences (PEDLs) for four blocks of land in Wiltshire, which encompass Westbury, Warminster, Trowbridge and parts of Bradford on Avon. More information on this process can be found in Councillor Briefing notes 252¹, 257², 270³, 271⁴.
- 1.2. The licence offers in Wiltshire have been made to South Western Energy Limited. Although their applications indicate the 'type' of activity as coal bed methane extraction, the award covers any hydrocarbon and is not limited to the 'type' specified.
- 1.3. A PEDL gives the licensee exclusivity over a defined area of land for onshore hydrocarbon exploration, appraisal and extraction, including for shale gas and oil as well as conventional forms of oil and gas. The award of a PEDL does not itself give any permission for operations to begin. There are three phases of oil and gas development which all require separate planning permissions and environmental permits (from the Environmental Agency) before each phase of development. These phases are followed by decommissioning, restoration and aftercare.

Phases of Oil and Gas Development

Exploration is the use of seismic surveys to provide information about geological structures and exploratory drilling to verify the presence or absence of oil or gas reserves.

Appraisal is the assessment of exploration prospects using extended well tests and additional drilling to determine if reservoir development is economically feasible.

Development and production cover the development of field infrastructure and the production of hydrocarbons from the reservoir until economically feasible reserves are depleted. Development and production can only be initiated by the operator once a field development plan has been submitted to and approved by OGA/DETI, as technically shale gas does not involve conventional fields.

Decommissioning, restoration and aftercare refer to operations for the abandonment of wells, the removal of surface installations and the restoration of the site.

Source: Department of Energy and Climate Change

¹ Councillor Briefing Note [252: Habitat Regulations Assessment](#)

² Councillor Briefing Note [257: Habitat Regulations Consultation Response](#)

³ Councillor Briefing Note [270: Consultation on Surface Development Restrictions](#)

⁴ Councillor Briefing Note [271: Outcome of Oil and Gas Licensing Round](#)

- 1.4. PEDLs are held by the operator for the various stages of the full development cycle of oil and gas development. PEDLs are routinely issued for a five-year Initial Term, but with an option on a Second Term where the applicant has, among other things, surrendered at least 50 percent of the initial acreage and completed an agreed exploration Work Programme. At the end of the five-year Second Term, the licensee can choose to continue their licence into a twenty-year Final Term, provided the OGA has approved a field development plan. There are other circumstances in which a licence may end - in particular, the licensee can relinquish it at any time and in certain circumstances the OGA may revoke it.
- 1.5. Although a consortium of companies can apply for a PEDL, one company has to be nominated and approved as “Operator” on the licence. This company will be responsible for the day-to-day management of operations under the licence. The company must meet the OGA’s Technical and Environmental competence criteria⁵ before they will be approved. Without this approval no activity can be undertaken under the licence.

2. Conventional and Unconventional Hydrocarbons

- 2.1. The term ‘conventional hydrocarbons’ refers to oil and gas that flows through porous rocks (e.g. limestone, sandstone) into reservoirs under impermeable layers/‘cap rock’. Vertical and sometimes horizontal drilling is used for extraction.
- 2.2. The term ‘unconventional hydrocarbons’ refers to oil and gas which is trapped in impermeable rock (e.g. shale). Different technology (e.g. fracking) is required to extract the hydrocarbons from ‘unconventional’ source rock.

3. What is Hydraulic Fracturing (‘fracking’)?

- 3.1. Hydraulic fracturing⁶ is a technique used in the extraction of oil or gas that operates by injecting water at high pressure to create narrow fractures in rock enabling shale gas to flow.
- 3.2. A well is drilled and several stages of metal pipes (“casing”) are set in concrete within the well to seal it and prevent contamination of surrounding groundwater. A well for shale gas will usually go down vertically to the shale layer and then run horizontally along it.
- 3.3. For shale gas (which is mostly methane), small particles (usually sand) are pumped into the fractures to keep them open when the pressure is released, so gas can flow into the well. Ninety-eight to ninety-nine percent of the mixture is water and sand.
- 3.4. Small quantities of chemicals are normally added to improve efficiency, for example, by reducing friction. In the UK, only non-hazardous chemicals can be

⁵ More information available at: <https://www.gov.uk/guidance/oil-and-gas-operatorship>

⁶ More information available at: <https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking>

used in the hydraulic fracturing process. The Environment Agency (EA) has the powers to require full disclosure of chemicals used in hydraulic fracturing. In its document 'Onshore Oil and Gas Exploration in England: [Regulation and Best Practice](#)', the Government states that operators should disclose the chemical additives of fracturing fluids on a well-by-well basis. This also is required in the guidelines set by industry.

- 3.5. Once the rock is fractured, some of the fluid returns to the surface, where it is sealed in containers before treatment. The gas can then flow through the well to surface operations which separate and process the gas. If a gas well goes into commercial production it will usually be connected to the country's network of gas pipelines.

4. Coal Bed Methane

- 4.1. Coalbed methane⁷ (CBM) is methane that is extracted from unworked coal seams. It is an unconventional gas resource and the majority of regulations and controls that apply to shale gas and shale oil also apply to CBM, particularly if hydraulic fracturing is involved. These regulatory controls⁸ are co-ordinated by the same UK regulators that regulate shale gas and shale oil development including the relevant MPA, Environment Agency (EA), Oil and Gas Authority (OGA), the Health & Safety Executive (HSE) and the Coal Authority.

5. Drilling for Coal Bed Methane

- 5.1. CBM is present at shallower depths than shale gas, typically between 150 - 1500 metres deep. Accessing the gas uses similar oil and gas drilling technologies to shale gas; however, the well configuration is different due to the need to pump groundwater out of the seam.
- 5.2. To extract CBM, a well is drilled into the coal seam and water is pumped out to lower the pressure in the seam. This allows methane to desorb from the internal surfaces of the coal enabling it to flow, either as free gas or dissolved in water towards the production well.
- 5.3. The quantity of gas produced from a well increases as the amount of water pumped out decreases. Permeability is necessary to achieve CBM production. The natural permeability of coal seams can be low, so some CBM wells are stimulated (by hydraulic fracturing) to improve connectivity between the well and the coal. The process of hydraulic fracturing may not actually be used if it is at shallower depth.
- 5.4. The gas is released in a controlled and safe manner by pumping out the water that occurs naturally in coal seams, or 'cleats', to reduce the underground pressure on the coal. The process is reversible and any gas left in the wellbore is re-adsorbed by the coal.

⁷ The Coal Authority have produced an [interactive map viewer](#) which provides information on the location of coalfields in England

⁸ More information available at: [PAS Planning For Shale Gas and Oil- March 2016](#)

6. National Government

- 6.1. Mineral Planning Authorities (MPAs) are advised to plan positively for shale gas and oil development proposal. The Government considers that shale gas and oil development should be part of the future energy mix, subject to continued environmental assessment and controls. Relatively little exploration and appraisal activity to assess the commercial viability of shale gas and oil has been undertaken in the UK, however recent Written Ministerial Statements are clear in their support for such exploration to take place in a safe and sustainable manner.
- 6.2. The Shale Gas and Oil Policy Statement⁹ by the Department of Energy and Climate Change (DECC) and Department for Communities and Local Government (DCLG) sets out the Government's view that there is a national need to explore and develop our shale gas and oil resources. The announced plans will ensure local people have a say over the development of shale exploration in their area and identified measures to prevent long delays in the planning system, including:
- The Communities Secretary actively considering 'calling in' shale planning applications on a case by case basis and considering recovering appeals
 - Identifying Councils that repeatedly fail to determine oil and gas applications within the 16 week statutory timeframe requirement (unless applicants agree to a longer period).
 - Underperforming Councils' gas and oil planning applications could be determined by the Communities Secretary.
 - Adding shale applications as a specific criterion for recovery of appeals, to ensure no application can 'fall through the cracks'.
 - Ensuring planning 'call ins' and appeals involving shale applications are prioritised by the Planning Inspectorate.

7. Hydraulic Fracturing Operations- Regulation Process

- 7.1. Oil and gas development exists within a complex regulatory regime. The DECC has produced a [Best Practice publication](#) which provides detailed information on the process operators must follow when seeking to drill for any form of onshore oil and gas in the UK and addresses the key issues that might be raised. This publication includes a 'road map' of the planning and regulatory process (**Appendix 1**).
- 7.2. In order to pursue any proposal for oil and gas development within a licensed area, the licence holder will be required to follow existing planning and regulatory processes, i.e. applying for planning permission and relevant environment permits, to gain consent to drill from the OGA. The licensee's proposals will also be subject to scrutiny by the HSE.
- 7.3. As well as gaining planning permission, the operator must also gain a 'well consent' for exploration from the DECC before commencing works. The DECC also consults with the EA and the HSE at this stage. The EA may also require environmental permits for mining waste activities, and radioactive substance

⁹ [Shale Gas and Oil Policy Statement-DECC and DCLG](#)

activities (i.e. management of naturally occurring radioactive material). If the company then wishes to go into production (i.e. actually extracting oil/gas) it must gain a new planning permission from the MPA, a Field Development Consent from the DECC, and an environmental permit(s) from the EA, with processes similar to those above.

7.4. The roles of the key regulators are explained below:

- The Department for Energy and Climate Change
The DECC issues Petroleum Licences, gives consent to drill under the licence once other permissions and approvals are in place, and has responsibility for assessing risk of and monitoring seismic activity, as well as granting consent to flaring or venting.
- The Environment Agency
The EA, through the environmental permitting regime, protects water resources (including groundwater aquifers), ensures appropriate treatment and disposal of mining waste, emissions to air, and suitable treatment and management of any naturally occurring radioactive materials.
- The Health and Safety Executive
The HSE regulates the safety aspects of all phases of extraction, in particular responsibility for ensuring the appropriate design and construction of a well casing for any borehole.

7.5. Access agreement(s) with relevant landowner(s), will also be required and development can only commence once landowner access, and all other permissions and consents have been obtained. Operators wishing to drill a well must secure a lease and negotiate access from the landowner.

8. Surface Development Restrictions for Hydraulic Fracturing

- 8.1. In June 2016, the DECC released a new policy statement on 'Surface Development Restrictions' for hydraulic fracturing which considers that it is not appropriate to grant consent for license holders to undertake 'associated hydraulic fracturing' from wells located in 'protected areas'. These include; protected groundwater source areas, Areas of Outstanding Natural Beauty, The Broads, National Parks, World Heritage Sites, Ramsar Sites, European Sites, Natura 2000 sites and Sites of Special Scientific Interest.
- 8.2. Section 6 of the document provides an up to date response on groundwater contamination concerns with regard to the hydraulic fracturing process. It notes that there is no international evidence that hydraulic fracturing (when properly regulated) should cause contamination of water supplies or other environmental damage. In the unlikely event that operations pose a risk of pollution or risk to communities, the Government has the powers to close operations. As part of the process, the proposed activities are considered by the Environment Agency or Health and Safety Executive, who will check and enforce compliance. The Environment Agency will not grant a permit where the risks to groundwater are unacceptable. It has powers to impose conditions, ensure proper protection, or prohibit activities which are considered to pose unacceptable risks.

- 8.3. It is a requirement (in Section 4A of the Petroleum Act 1998) that chemical substances used or expected to be used in the hydraulic fracturing process are subject to approval by the environmental regulator. Before operations begin, an environmental permit will be given by the relevant environmental regulator containing a condition approving the substances. In addition, the Environment Agency assesses the hazards presented by fracturing fluids additives or drilling muds on a case-by-case basis and will not permit the use of hazardous chemicals where they may enter groundwater. The Environment Agency has the power to restrict or prohibit the use of any substance where they would pose an environmental risk.
- 8.4. The document notes that strong controls are also in place to mitigate seismic risk. The British Geological Survey (BGS) has published regional data on tectonic history and faulting in many prospective areas and monitors a National Network of Seismometers. The DECC set out new requirements for operators to control seismic risks, including a 'traffic light' system to halt hydraulic fracturing if unusual seismic activity is detected. Operators must monitor seismic activity in real time, before, during and after operations.
- 8.5. The operator will also be required to submit geotechnical data promptly to the OGA and publish up to date information on their website. For the first few operations, the OGA will have an independent expert on site to ensure protocols are followed and that the monitoring is proceeded as planned.

9. Monitoring of Hydraulic Fracturing Operations

- 9.1. The DECC has produced a document which provides information on the overall [regulation and monitoring of shale oil and gas](#) sites at each stage of development (before drilling, during drilling, testing, operations and restoration).
- 9.2. This explains that well operators have a legal duty to manage and control the risks to people. The HSE monitors well operations to check these legal duties are carried out. Its specialists will check construction matches the design by reviewing the weekly operations reports it receives from the well operator. HSE intends to jointly inspect drilling and fracking operations with the Environment Agency during the exploratory phase. HSE inspectors can visit any site at any time if there is a matter of concern.
- 9.3. The relevant environmental regulator will monitor the environmental impacts and inspect the operator's reports. The greater the potential risk, the greater the scrutiny by environmental regulators. Conditions attached to permits will set out the minimum level of site-based monitoring and reporting.

The Planning Process

10. The Role of the Mineral Planning Authority

10.1. Obtaining planning permission is one of the main regulatory requirements that operators must meet before any conventional or unconventional oil and gas development can take place. The planning system manages the development and use of land in the public interest, and this includes:

- Ensuring that new development is appropriate for its location taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and;
- The potential sensitivity of the area or proposed development to adverse effects from pollution.

10.2. In doing so, the focus of the planning system will be on:

- Whether the development itself is an acceptable use of the land;
- What the potential impacts of those uses (e.g. on communities and the environment) may be and any control (mitigation) processes; and
- Health and safety issues or emissions themselves where these are subject to approval under other regimes.

10.3. Any planning application for oil and gas development must be submitted to the MPA, which is Wiltshire Council for applications made within Wiltshire. Oil and gas developments are not considered to be a part of the Government's major infrastructure planning regime (which applies to certain kinds of infrastructure projects, and which are determined by the Planning Inspectorate) and all oil and gas developments are decided by the local MPA.

10.4. A change in legislation came into force in April 2016 with regard to the drilling of boreholes for, inter alia, monitoring and investigative activities for the purposes of potential petroleum exploration, including the monitoring of groundwater. The change brought in by amended 'permitted development' rights allow "*subject to conditions and limitations, the drilling of boreholes for the purposes of:*

- *carrying out groundwater monitoring;*
- *carrying out seismic monitoring; or*
- *locating and appraising the condition of mine operations, which is preparatory to potential petroleum exploration*"¹¹

10.5. One such limitation is that development is not permitted if the developer has not previously notified the MPA in writing of its intention to carry out the development (specifying the nature and location of the development).

¹¹ The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 CM09739/1

11. National Policy

- 11.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include relevant policy and guidance, particularly national planning policy in the National Planning Policy Framework (NPPF) and other relevant Government policy statements, as well as that which is provided within the Planning Practice Guidance (PPG).

12. National Planning Policy Framework

- 12.1. The NPPF, published in March 2012, sets out the Government's planning policies for England. Key sections of the NPPF relevant to shale oil and gas that should be given weight include:

- Paragraph 14 - *'At the heart of the NPPF is a presumption in favour of sustainable development'*
- Paragraph 142 - *'important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs'*
- Paragraph 144 - *'When determining planning applications, local planning authorities should... give great weight to the benefits of mineral extraction, including to the economy...(and) ensure...that there are no unacceptable adverse impacts on the natural and historic environment, human health..'*
- Paragraph 147 - *'MPAs should...when planning for on-shore oil and gas developments, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production.'*

- 12.2. In assessing planning applications for shale oil and gas, MPAs will also consider other policies within the NPPF that are material to the circumstances of the case.

13. Planning Practice Guidance

- 13.1. Planning Practice Guidance (PPG) is intended to be read alongside the NPPF.

- 13.2. [Section 9](#) of the PPG on minerals deals with planning for hydrocarbon extraction and was issued on 6 March 2014. Many parts of the guidance may be relevant to shale oil and gas proposals depending on the circumstances of the case but the following should be given weight:

- Paragraph 91- *'As an emerging form of energy supply, there is a*

pressing need to establish - through exploratory drilling – to assess whether or not there are sufficient recoverable reserves to allow full scale production on an economically viable scale...’

- Paragraphs 105 and 106- ‘MPAs are encouraged to make appropriate provision for hydrocarbons in mineral local plans...Where they consider it necessary to update their local plans and they are in a PEDL they are expected to include Petroleum Licence areas on policies maps and criteria based policies for each of the exploration, appraisal and production phases of hydrocarbon extraction.’
- Paragraph 112- ‘There exist a number of issues which are covered by other regulatory regimes and MPAs should assume that these regimes will operate effectively. Whilst these issues may be put before MPAs, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the **relevant regulatory body**:
 - Mitigation of seismic risks –the **Department of Energy and Climate Change** is responsible for controls, usually through the licence consent regime to mitigate seismic risks. Seismic assessment of the geology of the area to establish the geological conditions, risk of seismic activity and mitigation measures to put in place is required by the Department of Energy and Climate Change for all hydraulic fracturing processes;
 - Well design and construction – the **Health and Safety Executive** are responsible for enforcement of legislation concerning well design and construction. Before design and construction operators must assess and take account of the geological strata, and fluids within them, as well as any hazards that the strata may contain;
 - Well integrity during operation – under health and safety legislation the integrity of the well is subject to examination by **independent qualified experts** throughout its operation, from design through construction and until final plugging at the end of operation;
 - Operation of surface equipment on the well pad – whilst planning conditions may be imposed to prevent run-off of any liquid from the pad, and to control any impact on local amenity (such as noise), the actual operation of the site’s equipment should not be of concern to mineral planning authorities as these are controlled by the **Environment Agency** and the **Health and Safety Executive**;
 - Mining waste – the **Environment Agency** is responsible for ensuring that extractive wastes do not harm human health and the environment. An environmental permit is required for phases of hydrocarbon extraction and this will require the operator to produce and implement a waste management plan;

- Chemical content of hydraulic fracturing fluid – *this is covered by the environmental permit as operators are obliged to inform the **Environment Agency** of all chemicals that they may use as part of any hydraulic fracturing process;*
- Flaring or venting of any gas produced as part of the exploratory phase will be subject to **Department of Energy and Climate Change** controls and will be regulated by the **Environment Agency**. **Mineral planning authorities** will, however, need to consider how issues of noise and visual impact will be addressed;
- Final off-site disposal of water - Water that comes back to the surface following hydraulic fracturing may contain naturally occurring radioactive materials. Whilst storage on-site and the traffic impact of any movement of water is of clear interest to local authorities, it is the responsibility of the **Environment Agency** to ensure that the final treatment/disposal at suitable water treatment facilities is acceptable;
- Well decommissioning/abandonment - following exploration, the well is likely to be suspended and abandoned for a period of time. Health and Safety Legislation requires its design and construction that, so far as reasonably practicable, there is no unplanned escape of fluids from it. The **mineral planning authority** is responsible for ensuring the wells are abandoned and the site is restored.'

14. Local Plan Policies

- 14.1. Wiltshire Council, as MPA, is responsible for mineral planning policy. The adopted minerals and waste policy for Wiltshire County and Swindon Borough sits within a suite of adopted plans, prepared on a joint basis with Swindon Borough Council and includes:

The **Wiltshire and Swindon Minerals Core Strategy** (adopted June 2009) sets out the spatial vision, key objectives and overall principles for development covering minerals provision up to 2026.

The **Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (DPD)** (adopted September 2009) sets out a limited suite of generic development control policies designed to assist with the process of determining planning applications for minerals development.

The **Wiltshire and Swindon Aggregate Minerals Site Allocations DPD** (adopted May 2013) sets out a schedule of seven sites for future sand and gravel extraction over the period up to 2026.

- 12.2 Collectively the documents are referred to as the Wiltshire and Swindon Minerals and Waste Development Framework.

15. Evidence Base

- 15.1. All aspects of the Councils' Minerals and Waste Development Framework are founded on robust and credible evidence. To accompany the Minerals Core Strategy and all other documents in the Framework, the Councils' prepared a detailed Evidence Base Document.
- 15.2. The 'Wiltshire & Swindon Minerals and Waste Development Framework, Evidence Base, Part C: Minerals, June/July 2012' (the "[Minerals Evidence Base Report](#)") provides information and data relating to the need for minerals supply within the plan area of Wiltshire and Swindon. With regard to Hydrocarbons, the Minerals Evidence Base Report states that: *"Extensive exploration operations have revealed no workable oil and gas reserves in Wiltshire and Swindon, although pressure for further exploration in the future cannot be ruled out"*.
- 15.3. In 2004, the British Geological Survey prepared a series of reports for various administrative areas in England for the then Office of the Deputy Prime Minister's research project 'Mineral Resource Information in Support of National, Regional and Local Planning'. The purpose of the work was to assist all interested parties involved in the preparation and review of development plans, both in relation to the extraction of minerals and the protection of mineral resources from sterilisation. The mineral resources covered in the report include hydrocarbons.
- 15.4. Section 7.1 explores the Conventional Oil and Gas potential and concluded *"the geological setting of, and exploration results in the County suggests that hydrocarbon prospectively is likely to be poor"*.
- 15.5. Section 7.2 explores Coal Bed Methane potential in the County and notes; *"Concealed coal-bearing strata are essentially absent in Wiltshire except for a small and poorly defined area of the Somerset-Bristol in the extreme west. The levels of coalbed methane in the coal seams of the Somerset-Bristol Coalfield are not accurately known, but are low (ca. 0.1m³t⁻¹). Thus the potential; for coalbed methane development from the virgin coal seams in Wiltshire is unlikely to exist."*

16. Review of Planning Policy

- 16.1. Paragraph 163 of the NPPF states: *"Minerals planning authorities should work with other relevant organisations to use the best available information to:*
 - *Develop and maintain an understanding of the extent and location of mineral resource in their areas; and*
 - *Assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary materials."*
- 16.2. Planning Practice Guidance on 'Planning for Hydrocarbon Extraction' states that

where MPAs consider it is necessary to update their local plan and they are in a Petroleum Licence Area, they are expected to include the following:

- *Petroleum Licence Areas on their policies maps;*
- *Criteria-based policies for each of the exploration, appraisal and production phases of hydrocarbon extraction. These policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Licence Areas.*

16.3. PPG for onshore oil and gas identifies the principle issues which should be addressed at the planning application stage for any oil and gas development (only relevant issues will apply to individual proposals). These include:

- noise associated with the operations;
- dust;
- air quality;
- site lighting;
- visual intrusion;
- impact on the landscape character;
- archaeological and heritage features;
- traffic to and from the site;
- the risk of contamination of the land;
- soil resources;
- the impact on any 'best and most versatile' agricultural land present within the site;
- flood risk;
- land stability / subsidence;
- internationally, nationally, and locally designated sites;
- nationally protected geological and geomorphological sites and features;
- and sites restoration and aftercare.

16.4. The principle aim of the Wiltshire and Swindon Minerals Development Control Policies DPD document is to ensure that applications for minerals development received by Wiltshire Council and Swindon Borough Council (the Councils) result in sites that are operated and managed to high standards with minimum impacts to local communities and the environment.

16.5. The DPD commences with an overarching policy (MDC1: Key criteria for sustainable minerals development) that requires proposals for minerals development to contribute to the delivery of sustainable development in Wiltshire and Swindon by ensuring that the social, economic and environmental benefits of minerals development are maximised, and adverse impacts - including cross- boundary and cumulative impacts - are kept to an acceptable minimum.

16.6. The remaining policies are designed to manage the following aspects of minerals development:

- Protection of residential amenity and the environment from impacts associated with noise, dust, lighting, vibration and emissions to air
- Impacts upon groundwater and surface water
- Enabling appropriate non-minerals development within

- minerals safeguarding areas
- Protection and enhancement of Wiltshire and Swindon's landscape character
- Protection and enhancement of Wiltshire and Swindon's biodiversity and geological interest
- Protection of Wiltshire and Swindon's historic environment
- Ensuring that minerals development minimises HGV miles for transporting minerals by road and minimises the impacts upon other transport networks
- A comprehensive approach to managing the restoration of minerals developments that will deliver a range of afteruses and provide tangible benefits to the local area.

16.7. Key policies of the Minerals Development Control DPD are outlined below and a full set of policies are included in **Appendix 2**.

Minerals Development Control Policies DPD

Managing the impacts of minerals development

Policy MDC2 indicates that applications for minerals development in Wiltshire and Swindon will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with the following environmental considerations:

- Noise levels;
- Dust levels;
- Air emissions;
- Lighting; and
- Vibration levels.

Proposals for mineral development should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration.

Managing the impact on surface water and groundwater resources

Policy MDC3 indicates that proposals for minerals development will only be permitted where it can be demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment. This includes making provisions to ensure the protection and maintenance of: The quality of groundwater, water courses and other surface water; and The volume / levels of groundwater, water courses and other surface water

Protection and enhancement of Wiltshire and Swindon's landscape character

Policy MDC5 requires that proposals include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to the following designated areas:

- The New Forest National Park
- The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty
- The Cotswolds Area of Outstanding Natural Beauty
- The North Wessex Downs Area of Outstanding Natural Beauty.

Landscape and Visual Effects Assessments are used to understand how a development will change the local landscape character and the appearance of key views.

Biodiversity and geological interest

Policy MDC6 requires that proposals be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest. The assessment must have particular regard to the need to maintain and / or enhance sites and species of international and national importance in accordance with the relevant statutory requirements. The assessment must also consider carefully the need to maintain and / or enhance features of local and regional importance.

The historic environment

Policy MDC7 indicates that proposals will only be permitted where it can be demonstrated through a process of assessment that historic assets of archaeological or cultural heritage importance and their settings can be appropriately protected, enhanced and/or preserved. Proposals affecting historic assets known or potential archaeological importance will be required to be accompanied by an appropriate archaeological evaluation.

Sustainable transport and minerals development

Policy MDC8 indicates that minerals development will only be permitted where it is demonstrated that proposals facilitate sustainable transport by:

- Minimising transportation distances;
- Maximising the use of rail or water to transport minerals where practicable and environmentally acceptable;
- Ensuring a proposal has direct access or has suitable links with the Wiltshire HGV Route Network or primary route network;
- Establishing mineral site transport plans;
- Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway, railway, canal route, cycleway or public right of way, through improvements to the appropriate network where necessary.

A comprehensive Transport Assessment will be required to be submitted with a planning application where a development is likely to have significant transport and related environmental impacts.

16.8. In addition, to the above policies, the Wiltshire Core Strategy contains a number of policies that may be considered relevant to determining applications for hydrocarbon development and are also included in **Appendix 2**. In assessing planning applications for shale oil and gas, MPAs will also consider policies within the NPPF that are material to the circumstances of the case.

16.9. The [Guidance Note](#) 'Shale Gas and Oil Exploration and Planning', prepared by the Planning Advisory Service (PAS) notes that shale gas and oil development is too recent a phenomenon to be addressed in plans produced under the old and new plan-making system. Policies are only likely to exist for conventional (i.e. not involving hydraulic fracturing) hydrocarbon exploration, appraisal and production in areas which have seen this activity in the past.

16.10. The Note advises that MPAs which fall in areas that are the subject of PEDLs

issued by the DECC, will need to consider the issues likely to be raised by shale gas and oil development. This includes those MPAs which have up-to-date policies on conventional hydrocarbon exploration, appraisal and production. It considers that in the interim, decisions on individual shale gas proposals will need to have regard to generic policies where they exist as well as other 'material considerations' that apply. A full copy of the Guidance Note can be found in **Appendix 3**.

17. Planning Application Process

- 17.1. The MPA determines applications in accordance with planning law. Before the MPA takes a decision, it will consider the advice provided by other agencies, such as the Environment Agency, on important matters such as the protection of the environment and public.
- 17.2. The focus of the planning system is on whether the development is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions, where these are subject to approval under other regimes (as identified in paragraph 12.2). In line with Planning Practice Guidance, MPAs should assume that these non-planning regimes will operate effectively.
- 17.3. The planning application process can be separated into six key stages. The process is largely governed by legislation and is designed to allow the input of expert and interested parties into the decision making process. The six stages can be described as follows:

Step 1 - Validation

Applications are checked to make sure all documents and fees required have been submitted. Any missing information will be requested before processing can start.

Step 2 - Consultation and publicity

Consultations are sent to various bodies to obtain their expert view. Parish and Town Councils are consulted and advertisements, where required, are placed in the appropriate local paper and on site and indicate how to view plans and how to comment on them, usually 21 days from the date of publishing.

Step 3 - Consideration

The site is inspected and the application assessed by the planning case officer, taking into account planning policies, consultation responses and public representations.

Step 4 - Negotiation

If problems are identified with the application which there is scope to address through alterations to the proposal, the officer will contact the applicant to seek suitable amendments. Steps 2 and 3 may require to be repeated if amendments which significantly change the application are made.

Step 5 - Recommendation

The planning officer will make a recommendation, via the officers' report

on the application to the person or body authorised to make a decision. This will be the relevant committee of the council or individual who has delegated powers to make the decision. If the application is to be decided at a committee meeting, the objectors and the applicant will be contacted to be advised of the time and venue of the meeting. All meetings are held in public and all interested parties are free to attend and observe how a decision is reached.

Step 6 - Decision

A decision is taken on the application by the appropriate body.

- 17.4. Where the decision lies with a committee, there may be a site inspection by the committee. In reaching a decision, the committee is required by law to limit the matters it takes into account to the "Development Plan" and other material considerations.

18. Environmental Impact Assessment

- 18.1. The MPA will determine whether an Environmental Impact Assessment (EIA) is required depending on the proposal. In some cases, minor initial seismic work may be considered to be 'permitted development' and would not require planning permission. If the exploration stage results in the need for further appraisal work or full scale production, planning permission will also be required from the MPAs.
- 18.2. The aim of an EIA is to protect the environment. It ensures that the MPA when deciding whether to grant planning permission for a project (which is likely to have significant effects on the environment) does so in the full knowledge of the likely significant effects and takes this into account in the decision making process.
- 18.3. If an EIA is required, the developer can ask the MPA for an opinion as to the scope and level of detail that should be covered before submitting any planning application. In other areas of England where planning applications have come forward, the submitted Environmental Statement has covered issues such as archaeology, ecology, landscape and visual amenity, traffic, noise, air quality, water resources, seismicity, waste, and lighting.
- 18.4. Case law and guidance has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission.

19. Pre Application

- 19.1. In line with good practice, operators are encouraged to undertake a pre-application consultation with the MPA and other key consultees. This consultation will be expected to address issues such as noise, ecology, archaeology, site access and visual impact. It will define arrangements for permits from and contact with appropriate regulatory agencies. It will also detail consultative checks made with local water and power suppliers.

20. Opportunities for public consultation

- 20.1. Public consultation forms part of every oil and gas application for planning permission.
- 20.2. Wiltshire Council as MPA will advertise and consult on individual planning applications. Notice will be given when an application has been validated and accepted by writing to residents and businesses near the application site or putting up a site notice. Information about the application will be made available on the Wiltshire Council website. Parish and Town Councils will be consulted upon and local communities will have the opportunity at this time to express their views on the application as part of the planning application process.
- 20.3. The Environment Agency (EA) will carry out public consultation for the issue of environmental permits. The length of time for these consultations varies from 4 to 12 weeks, depending on the complexity of the application. They would be advertised in the most appropriate way, depending on the circumstances. Often this will be done through local media and the EA's website, alongside targeted e-mails to interested parties.
- 20.4. As a matter of best practice, UKOOG's [Community Engagement Charter](#) also sets out that communities must be engaged from the very start of the planning application process where shale gas is being developed.

21. Considering Environmental Impacts

- 21.1. As confirmed in the Planning Practice Guidance, there are specific arrangements for considering and determining planning applications that have been subject to an EIA. It includes consideration of the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The MPA should take into account the information in the Environmental Statement (ES), the responses to consultation and any other relevant information when determining a planning application.
- 21.2. It is the applicant's responsibility to prepare the ES. There is no statutory provision as to the form of an ES, although it must constitute a "single and accessible compilation."
- 21.3. The type of assessments and technical studies undertaken would need to accord with relevant UK environmental legislation and guidance, as well as topic specific legislation and guidance. It would be expected that the assessments include an explanation of the approach to defining the significance of any resulting potential effects identified by reference to published standards, guidelines and best practice criteria.
- 21.4. Generally, the content of an ES would be based on a review of the current situation through existing data, information and reports; desk-top studies; site surveys; computer modelling; consideration of relevant planning policies (national, regional and local); identification of likely environmental impacts and an evaluation of their likely duration; magnitude and significance; consideration of potential sensitive receptors; expert opinion; use of technical

guidance and best practice; and specific consultations with appropriate bodies.

- 21.5. The adequacy of the ES and planning application would be tested through the consultation and publicity process. Consultees will have the opportunity to review the ES and comment on the application for the proposal. Consultees may assist the MPA and advise on the adequacy and conclusions of the assessments. In addition to scrutiny and review through consultation with both internal professional officers and consultees, the MPA can arrange for the ES to be independently reviewed.
- 21.6. If planning permission is granted, the MPA will monitor and inspect operations to ensure that they comply with any conditions imposed.

Next Steps

22. Working with other Authorities

- 22.1. A number of other MPAs, particularly those with existing conventional oil and gas operations within their area, have produced Frequently Asked Questions (FAQ) documents to assist with information sharing. Wiltshire Council can make similar information available on its website.
- 22.2. Officers are following those MPAs who have received and determined planning applications for oil and gas development in order to keep up to date with best practice. In addition, officers continue to attend training events on the subject and participate in an informal working group on energy minerals comprising officers from Somerset County Council, Bath & North East Somerset Council, North Somerset Council, Mendip District Council and the Environment Agency.

23. Resource Implications

- 23.1. It should be noted Planning Practice Guidance does not specifically require MPAs to update their Local Plan in respect of hydrocarbon extraction, only to '*consider whether it is necessary to update the Plan*'. The Council has (particularly in the form of the Minerals Development Control Policies DPD) a number of planning policies in place designed to assist with the process of determining planning applications for minerals development and assessing the likely environmental effects of a proposal alongside the NPPF.
- 23.2. The Guidance Note 'Shale Gas and Oil Exploration and Planning', prepared by the Planning Advisory Service (PAS) advises that the issue of determining applications in a timely and appropriate manner when faced with a large number of representations and enquiries is something that authorities may find challenging in relation to shale gas and oil development applications. The Council will therefore need to consider how to resource the determination of applications.
- 23.3. The Council, working alongside other regulatory bodies will need to be equipped to handle any high level of interest and potential opposition to 'fracking'

applications by local communities and anti-fracking groups.

- 23.4. In 2015/16, a £1.2 million shale support programme from DCLG was made available for local authorities to ensure there are adequate resources locally to enable the timely determination planning applications for shale gas. DCLG has yet to announce any funding arrangements for local authorities for 2016/17.
- 23.5. The government has recently announced that it will create a 'Shale Wealth Fund' that will initially consist of up to 10% of tax revenues arising from shale gas production to be used for the benefit of communities which host shale sites. HM Treasury is currently consulting on the delivery method and priorities of the Fund¹². Responses are welcomed from individuals or organisations before the deadline of 12th October 2016. Wiltshire Council's comments will be incorporated into the County Council Networks response to this consultation.

24. Conclusion

- 24.1. This report outlines the current position with respect to shale gas and coalbed methane development, both nationally and in Wiltshire. These technologies are new in an onshore UK context but the Government considers that they will potentially have a significant future role to play in achieving benefits, both economically and in terms of energy security.
- 24.2. Following the granting of PEDL licences, Wiltshire Council has not received any application in relation to oil and gas exploration and hydraulic fracturing (fracking). Before an application is submitted, it is expected that engagement between the licensee and public will occur.
- 24.3. It is considered that the planning system and current national and local planning policy provides an appropriate basis for assessing the environmental implications of any such future proposals. In addition, such proposals would be subject to substantial additional controls under separate regulatory regimes administered by the Environment Agency, DECC and the Health and Safety Executive.
- 24.4. The Council will continue to review the progress of PEDL licences both within Wiltshire and other Local Authority areas.

Economic Development and Planning

Wiltshire Council

¹² More information on the Shale Wealth Fund and consultation can be found at:
<https://www.gov.uk/government/consultations/shale-wealth-fund>

Background Documents

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

- [‘Planning for Shale Gas and Oil’](#), Briefing Note, March 2016, Planning Advisory Service.
- [Planning for Hydrocarbon extraction](#); March 2014, Planning Practice Guidance.
- [Onshore oil and gas exploration in the UK](#): Onshore Oil and Gas, Regulation and Best Practice, December 2015, DECC.
- [‘The Minerals Evidence Base Report’](#) Wiltshire & Swindon Minerals and Waste Development Framework, Evidence Base, Part C: Minerals, June/July 2012’
- [‘Mineral Resource Information in Support of National, Regional and Local Planning’](#), The British Geological Survey, 2014
- [Mineral Resource Map of Wiltshire](#), The British Geological Survey, 2014

Useful Websites

- Planning Advisory Service (PAS): http://www.pas.gov.uk/pre-application-/journal_content/56/332612/7136751/ARTICLE
- DECC Website: <https://www.gov.uk/government/organisations/department-of-energy-climate-change>
- United Kingdom Onshore Operators’ Group: www.ukoog.org.uk
- Oil and Gas Authority: www.gov.uk/government/organisations/oil-and-gas-authority
- Environment Agency: www.gov.uk/government/organisations/environment-agency
- Health and Safety Executive: www.hse.gov.uk/offshore/unconventional-gas.htm
- British Geological Society: www.bgs.ac.uk/shalegas
- Public Health England: www.gov.uk/government/organisations/public-health-england
- The UK Onshore Geophysical Library (UKOGL): <http://ukogl.org.uk/>

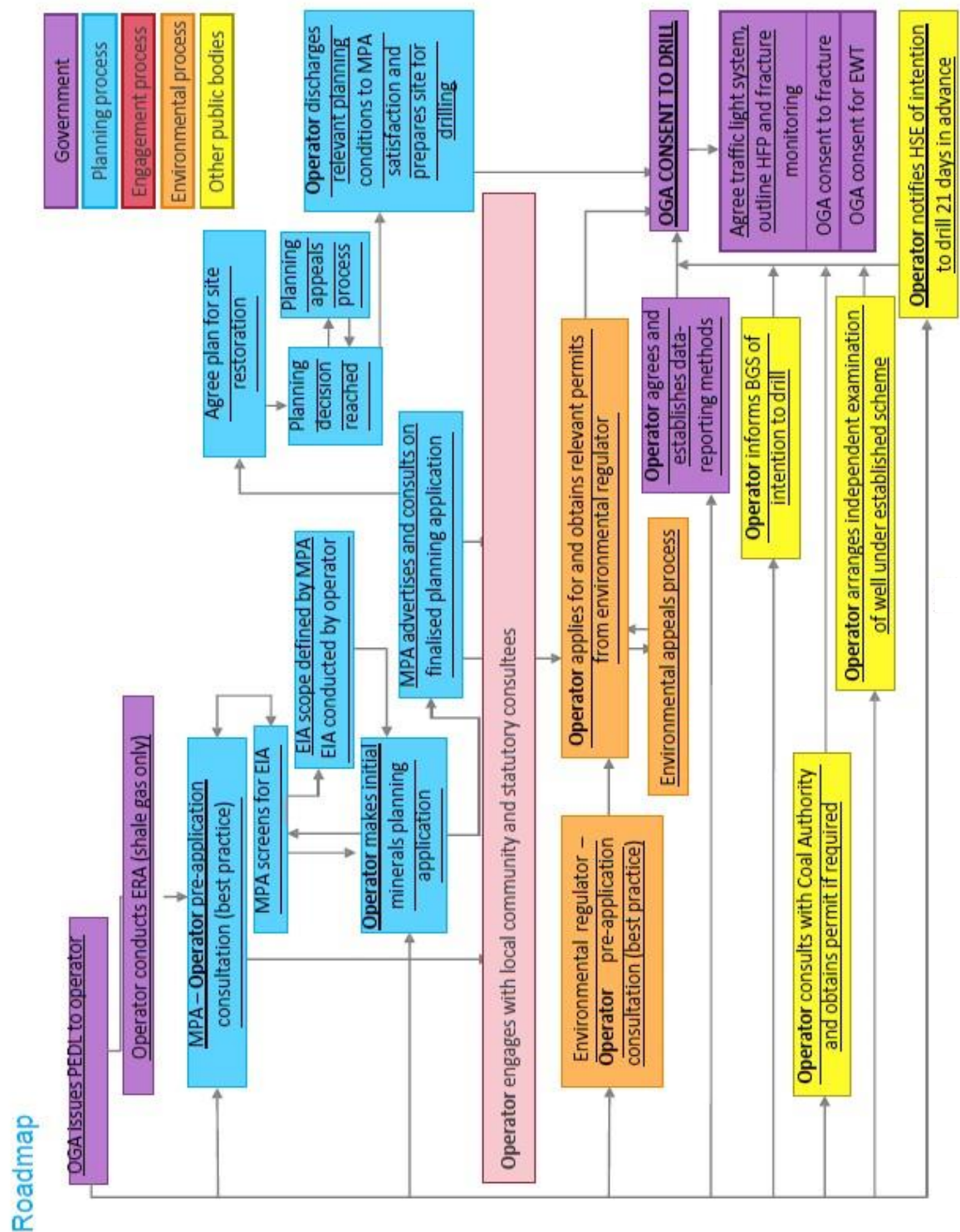
Publications

- [UK onshore shale gas well guidelines](#)
Exploration and appraisal phase, UKOOG, Issue 1 February 2013
- [Shale gas extraction in the UK: a review of hydraulic fracturing](#)
Royal Society and Royal Academy of Engineering report, June 2012
- [Bowland Shale Gas Study – Main Report](#)
The Carboniferous Bowland Shale gas study: geology and resource estimation.
DECC
- [Background note on induced seismicity in the UK and its relevance to hydraulic stimulation for exploration for shale gas](#)
Professor Peter Styles (Keele University) and Dr Brian Baptie (British Geological Survey), April 2012
- [Guidance note: Regulation of exploratory shale gas operations](#)
Environment Agency
- [Government response to Royal Academy of Engineering and Royal Society report on “Shale gas extraction in the UK: a review of hydraulic fracturing”](#)
Version: Final A04- 10 December 2012
- [Planning practice guidance for onshore oil and gas](#)
Department for Communities and Local Government, July 2013

Glossary

| | |
|--------------|-------------------------------------------------|
| BGS | British Geological Survey |
| DCLG | Department for Communities and Local Government |
| DECC | Department of Energy and Climate Change |
| DPD | Development Plan Document |
| EA | Environment Agency |
| EIA | environmental impact assessment |
| ES | environmental statement |
| HSE | Health and Safety Executive |
| LPA | local planning authority |
| MDC | minerals development control |
| MPA | mineral planning authority |
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Policy Guidance |
| OSMC | Overview and Scrutiny Management Committee |
| OGA | The Oil and Gas Authority |
| PAS | Planning Advisory Service |
| PEDL | petroleum exploration and development licence |
| UKOOG | United Kingdom Onshore Operators Group |

Appendix 1: DECC Regulation and Best Practice Road Map



Appendix 2

Wiltshire Core Strategy

The local plan sets out local planning policies and identifies how land is used, determining what will be built where. In Wiltshire, the local plan includes the [Wiltshire Core Strategy](#), saved policies from district local plans and minerals and waste plans. The Core Strategy replaces the South Wiltshire Core Strategy and many saved policies from former district local plans.

| | Core Policies |
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| Core Policy 41 | <p>Sustainable construction and low-carbon energy Renewable and low-carbon energy All proposals for major development⁶⁷ will be required to submit a Sustainable Energy Strategy alongside the planning application outlining the low-carbon strategy for the proposal.</p> <p>In all cases, including those listed above, proposals relating to historic buildings, listed buildings and buildings within conservation areas and world heritage sites should ensure that appropriate sensitive approaches and materials are used.</p> <p>Safeguarding of the significance of heritage assets should be in accordance with appropriate national policy and established best practice⁶⁸. In all cases the impact of these requirements on the viability of development will be taken into consideration.</p> |
| Core Policy 50 | <p>Core Policy 50 Biodiversity and geodiversity Protection Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.</p> <p>There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.</p> <p>All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 above where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.</p> <p>Biodiversity enhancement All development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Such enhancement</p> |

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| | <p>measures will contribute to the objectives and targets of the Biodiversity Action Plan (BAP) or River Basin/ Catchment Management Plan, particularly through landscape scale projects, and be relevant to the local landscape character.</p> <p>Local sites</p> <p>Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:</p> <ul style="list-style-type: none"> i. cannot reasonably be avoided ii. are reduced as far as possible iii. are outweighed by other planning considerations in the public interest iv. where appropriate compensation measures can be secured through planning obligations or agreements. <p>Development proposals affecting local sites must make a reasonable contribution to their favourable management in the long-term.</p> |
| <p>Core Policy 51</p> | <p>Landscape</p> <p>Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:</p> <ul style="list-style-type: none"> i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies. ii. The locally distinctive character of settlements and their landscape settings. iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe. iv. Visually sensitive skylines, soils, geological and topographical features. v. Landscape features of cultural, historic and heritage value. vi. Important views and visual amenity. vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion. viii. Landscape functions including places to live, work, relax and recreate. ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty. <p>Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of</p> |

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| | its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting. |
| Core Policy 52 | <p>Green infrastructure</p> <p>Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained. Where development is permitted developers will be required to:</p> <ol style="list-style-type: none"> retain and enhance existing on site green infrastructure make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development provide appropriate contributions towards the delivery of the Wiltshire Green Infrastructure Strategy identify and provide opportunities to enhance and improve linkages between the natural and historic landscapes of Wiltshire. <p>If damage or loss of existing green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity and functionality of the green infrastructure network, will be required.</p> <p>Proposals for major development should be accompanied by an audit of the existing green infrastructure within and around the site and a statement demonstrating how this will be retained and enhanced through the development process.</p> <p>Development will not adversely affect the integrity and value of the green infrastructure network, prejudice the delivery of the Wiltshire Green Infrastructure Strategy, or provide inadequate green infrastructure mitigation.</p> <p>Green infrastructure projects and initiatives that contribute to the delivery of a high quality and highly valued multi-functional green infrastructure network in accordance with the Wiltshire Green Infrastructure Strategy will be supported.</p> <p>Contributions (financial or other) to support such projects and initiatives will be required where appropriate from developers.</p> |
| Core Policy 55 | <p>Air quality</p> <p>Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and where relevant, the Wiltshire Air Quality Action Plan.</p> <p>Mitigation may include:</p> <ol style="list-style-type: none"> landscaping, bunding or separation to increase distance from highways and junctions possible traffic management or highway improvements to be agreed with the local authority abatement technology and incorporating site layout/separation and other conditions in site planning traffic routing, site management, site layout and phasing where appropriate, contributions will be sought toward the mitigation of the impact a development may have on levels of air pollutants. |

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| Core Policy 56 | <p>Contaminated land</p> <p>Development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity.</p> <p>Developers will be required to demonstrate that the development site is, or will be, made suitable for the proposed final use and will need to provide one or more of the following documents:</p> <ul style="list-style-type: none"> i. Detailed site history identifying possibly contaminative uses. ii. Site characterisation: The nature and extent of any contamination and the hazards and risks posed. iii. Detailed remediation scheme: Including methodology and quality assurance. iv. Methodology to report unexpected contamination. v. Methodology to ensure verification of remedial works. vi. Details of long term monitoring and maintenance proposals (where necessary). <p>The need for, type and complexity of reports will depend on the specific site.</p> |
| Core Policy 57 | <p>Ensuring high quality design and place shaping</p> <p>A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:</p> <ul style="list-style-type: none"> i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting iv. being sympathetic to and conserving historic buildings and historic landscapes v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy) vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring |

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| | <p>that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)</p> <ul style="list-style-type: none"> viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site ix. ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network) x. the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place xiv. meeting the requirements of Core Policy 61 (Transport and New Development). |
| Core Policy 58 | <p>Ensuring the conservation of the historic environment</p> <p>Development should protect, conserve and where possible enhance the historic environment.</p> <p>Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:</p> <ul style="list-style-type: none"> i. nationally significant archaeological remains ii. World Heritage Sites within and adjacent to Wiltshire iii. buildings and structures of special architectural or historic interest iv. the special character or appearance of conservation areas v. historic parks and gardens vi. important landscapes, including registered battlefields and townscapes. <p>Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping). Heritage assets at risk will be monitored and development proposals that improve their condition will be encouraged. The advice of statutory and local consultees will be sought in consideration of such applications.</p> |
| Core | Development impacts on the transport network |

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| Policy 62 | <p>Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.</p> <p>Proposals for new development should not be accessed directly from the national primary route network outside built-up areas, unless an over-riding need can be demonstrated.</p> |
| Core Policy 65 | <p>Movement of goods</p> <p>The council and its partners will seek to achieve a sustainable freight distribution system which makes the most efficient use of road, rail and water networks. In particular:</p> <ul style="list-style-type: none"> i. developments which generate large volumes of freight traffic or involve the movement of bulk materials should make use of rail or water transport for freight movements wherever practical ii. the provision of intermodal and other rail freight terminals in suitable areas will be supported and land required for realistically deliverable proposals will be protected from inappropriate development iii. overnight lorry parking should be provided in the vicinity of the advisory freight network, either where demand can be demonstrated or to alleviate nuisance caused in local communities iv. where carriage of freight by rail and water is not realistic, encouragement will be given for heavy goods vehicles (HGVs) traffic to use those roads where a minimum of community and environmental impacts will occur, principally the advisory freight network. Where problems caused by HGVs making unnecessary and undesirable use of routes are identified (other than on advisory freight routes), freight management processes will be employed. |
| Core Policy 67 | <p>Flood Risk</p> <p>Development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the sequential test in line with the requirements of national policy and established best practice. All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.</p> |
| Core Policy 68 | <p>Water resources</p> <p>Development must not prejudice the delivery of the actions and targets of the relevant River Basin or Catchment Management Plan, and should contribute towards their delivery where possible.</p> <p>Non-residential development will be required to incorporate water efficiency measures. Developers will be expected to submit details of how water efficiency has been taken into account during the design of proposals.</p> <p>Development proposals within a Source Protection Zone, Safeguard Zone or Water Protection Zone must assess any risk to groundwater resources and groundwater quality and demonstrate that these would be protected throughout the construction and operational phases of development.</p> |
| Core Policy 69 | <p>Protection of the River Avon SAC</p> <p>In order to avoid and reduce potential environmental effects on the River Avon SAC, development will need to incorporate measures during construction and operation to avoid and prevent pollution and mitigate potential disturbance effects; appropriate measures may include consideration of suitable buffer zones along watercourses, habitat enhancements and river access management measures.</p> |

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| | <p>All development within 20m of the river banks should submit a construction management plan to the local planning authority to ensure measures proposed during construction are satisfactory.</p> <p>Where additional sewage discharges to a STW cannot be accommodated without measures to offset phosphate loading, development will be required to undertake proportionate measures (which may include contributions towards those measures identified in the Nutrient Management Plan) to demonstrate that the proposals would have no adverse effects upon the SAC.</p> |
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Minerals Core Strategy

[The Minerals Core Strategy](#) (adopted June 2009) sets out the spatial vision, key objectives and overall principles for development covering minerals provision up to 2026.

| | Swindon and Wiltshire Minerals Core Strategy |
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| MCS 1 (B): | <p>Generic Criteria for Guiding the Location of Minerals Development</p> <p>In all cases, the process of identifying, appraising, designing and implementing proposals for new or extended sites for minerals extraction and / or recycling of construction and demolition wastes will be guided by the policies of the Minerals Core Strategy, other relevant DPDs and the following indicative criteria:</p> <ul style="list-style-type: none"> • the need for the mineral within the broad locations outlined in Section (A) or the need for recycling capacity within the broad locations identified in the Waste Core Strategy; • likely effects on designated sites and other environmentally valuable features; • likely effects on designated habitats and priority species; • proximity to a defined flood zone and / or groundwater Source Protection Zone, and other water interests; • proximity to local communities and the need to maintain and enhance the local landscape character and setting of settlements; • proximity to primary end-use market(s); • proximity to the Wiltshire HGV route network as defined in the County Freight Strategy and / or alternative transport modes; and • the ability for a site or sites to deliver significant contributions to local, regional and national BAP targets for habitat creation and priority species as well as geodiversity gains where applicable. |
| MCS 1 (C): | <p>Linking the Strategy, Site Allocation DPDs and Community Involvement</p> <p>In preparing, monitoring and reviewing Minerals Site Allocation Development Plan Documents, the Councils will work with the minerals and waste industries, landowners, local communities within and in close proximity to defined Mineral Resource Zones and other agencies to ensure that issues associated with the development of sites are identified and addressed at the earliest opportunity.</p> |
| MCS 6: | <p>Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities</p> <p>In establishing, monitoring and reviewing Mineral Safeguarding Areas (MSAs) the Councils will work with the minerals and waste industries, land owners and other local planning authorities to safeguard the following assets from potential sterilisation by other forms of development:</p> <ul style="list-style-type: none"> • Mineral Resource Zones; • All existing active and dormant minerals sites; • Land within 1km of active and dormant mineral sites; • Sites for future mineral working allocated within DPDs; • Operational land associated with existing and proposed Mineral Recycling Facilities; and |

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| | <ul style="list-style-type: none"> Operational land associated with the existing Rail Aggregate Depot at Wootton Bassett and any proposed new rail-head facilities and sidings. <p>*If it is demonstrated that a significant area of an MSA does not contain a viable mineral reserve or if geological surveying demonstrate that the extent of the resource is greater than the area identified by the Councils, then policy MCS 6 will be reviewed.</p> |
| MCS 7 | <p>Managing the Impacts of Minerals Development in Wiltshire and Swindon- Flooding</p> <p>Development proposals must avoid or mitigate any aspect of the development that could potentially lead to an increase in a likelihood of flooding, and where appropriate provide additional flood storage capacity to increase protection for vulnerable land uses, taking into account the impacts of climate change where an opportunity / need is identified through the SFRA / FRA process.</p> |
| MCS 8 | <p>Living with Minerals Development – Protecting Residential Amenity</p> <p>To maintain an acceptable separation of residential areas from proposed minerals development within Wiltshire and Swindon, the Councils will work with local communities, landowners, the minerals and waste industries, regulatory bodies and other organisations to establish, plan and address the following matters prior to the implementation of development proposals:</p> <ul style="list-style-type: none"> The strategic and localised phasing and duration of operations; The design, location and extent of screening features; The control of operations to minimise pollution; The arrangements for managing the traffic associated with the development; The restoration and after-use objectives of the proposed development; and All other matters as agreed and deemed relevant by the Councils, local communities and the minerals operator. <p>Where appropriate, the Councils will encourage and support the establishment of Community Liaison Groups to help monitor, appraise and resolve operational matters associated with minerals sites throughout the life of the development.</p> |
| MCS 9 | <p>Strategic Approach to Managing Minerals Transportation</p> <p>The sustainable transportation of minerals, recyclable wastes and material used in restoration schemes will be encouraged. Proposals for new or improved rail depots and / or sidings as well as innovative schemes utilising the potential for canals and rivers to transport minerals and recyclable wastes within Wiltshire and Swindon will be supported subject to the social, economic and environmental impacts of such development being avoided, mitigated and where necessary compensated for. Proposals for new Rail Aggregate Depots will be directed towards the Swindon area.</p> <p>Priority will be given to proposals for minerals development that demonstrate a commitment to implementing sustainable modes and methods for transporting minerals and recyclable wastes. Ultra-short transfer of minerals and recyclable wastes by conveyor either within or between sites will be encouraged. The transportation of minerals by road must utilise the Wiltshire HGV Route Network.</p> |
| MCS 10 | <p>Strategic Approach to Restoration and After-use of Mineral</p> |

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| | <p>Sites</p> <p>The restoration, after-care management and future after-use of mineral sites will be primary considerations in the process of planning for all new minerals development in Wiltshire and Swindon. Proposals for the restoration and management of mineral workings should be addressed at the earliest opportunity within the planning process.</p> <p>Restoration schemes must be designed to prevent increased risks associated with flooding and / or bird strike and should include long-term environmental enhancement, in accordance with the Wiltshire, Swindon and Cotswold Water Park Biodiversity Action Plans and the South West Nature Map where appropriate.</p> |
| MCS 11 | <p>Strategy for Policy Implementation, Monitoring and Review</p> <p>The Councils will work with local authorities in and around Wiltshire and Swindon, the minerals industry, regulatory authorities, landowners, local communities, local environmental groups, the Regional Planning Body, the South West Regional Aggregates Working Party and Government to plan, monitor and manage minerals development in Wiltshire and Swindon through the implementation of socially, economically and environmentally responsible policies and the Annual Monitoring Report process.</p> |

Minerals Development Control Policies

The Minerals [Development Control Policies \(DPD\)](#) (adopted September 2009) sets out a limited suite of generic development control policies designed to assist with the process of determining planning applications for minerals development.

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| MDC1 | <p>Key criteria for sustainable minerals development</p> <p>Proposals for minerals development must contribute to the delivery of sustainable development in Wiltshire and Swindon by ensuring that the social, economic and environmental benefits of minerals development are maximised, and adverse impacts - including cross-boundary and cumulative impacts - are kept to an acceptable minimum. All proposals for minerals development will be assessed using the following key criteria:</p> <ol style="list-style-type: none"> The need for the development; The extent to which adverse impacts associated with the development will be minimised and managed through an integrated mitigation strategy developed through early and effective consultation with key stakeholders, including local communities and the Councils, prior to the submission of a planning application; The extent to which the development ensures protection and enhancement of biodiversity, geodiversity and the historic and cultural environment; The extent to which mineral waste generated on site is minimised, and where possible, the reception, processing and distribution of alternatives to primary aggregates is facilitated; The extent to which the visual / landscape impact of any structures and buildings is minimised in terms of the appropriate use of scale and form; The extent to which the development avoids loss of best and most versatile agricultural land and ensures the protection of soil resources throughout the life of the development; The extent to which the development ensures the efficient use of water resources on site and the extent that the adverse impacts on the water environment and flood risk can be avoided and / or mitigated; The extent to which the proposal facilitates sustainable transport; The quality and appropriateness of the restoration, aftercare and after-use proposals, considering the contribution that could be made to the UK, South West and/or Wiltshire, Swindon and Cotswold Water Park Biodiversity Action Plan targets, the South West Nature Map and Great Western Community Forest. |
| MDC2: | <p>Managing the impacts of minerals development</p> <p>Applications for minerals development in Wiltshire and Swindon will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with the following environmental considerations:</p> <ul style="list-style-type: none"> Noise levels; Dust levels; Air emissions; |

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| | <ul style="list-style-type: none"> - Lighting; and - Vibration levels. <p>Proposals for mineral development should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration. Where a need for mitigation is identified by the assessment and / or through consultation with key stakeholders, mitigation measures should be clearly defined and submitted as part of the development proposal, where necessary incorporating appropriate separation distances to safeguard residential amenity.</p> <p>All plant and machinery associated with the mineral development will be limited to the life of the mineral reserve it serves, except where it can be demonstrated that the adverse impacts associated with retaining the plant and machinery can be effectively managed.</p> |
| MDC3: | <p>Managing the impact on surface water and groundwater resources</p> <p>Proposals for minerals development will only be permitted where it can be demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment. This includes making provisions to ensure the protection and maintenance of:</p> <ul style="list-style-type: none"> • The quality of groundwater, water courses and other surface water; and • The volume / levels of groundwater, water courses and other surface water <p>Flood Risk Assessments (FRA) will be required for minerals development proposals in areas at risk of flooding or likely to contribute to flooding elsewhere, as appropriate to the nature and scale of the development, and must take into account cumulative effects with other existing or proposed development. Where a risk of flooding is identified through FRA, proposals must include measures to ensure the avoidance of and / or mitigation of that risk.</p> <p>Where appropriate, development proposals will also be required to include provisions for the efficient use of water resources on site and the use of Sustainable Drainage Systems (SUDS).</p> |
| MDC4: | <p>Safeguarding mineral resources, rail-head facilities and mineral recycling facilities</p> <p>Proposals for development within Mineral Safeguarding Areas, as defined on the Proposals Map, that may prevent or adversely affect current or possible future mineral extraction and/or associated ancillary operations, rail-head facilities, and mineral recycling facilities within Wiltshire and Swindon will be opposed unless:</p> <ul style="list-style-type: none"> • An appropriate quantity of mineral can be reasonably extracted prior to or in phase with the proposed non-mineral development such that the extraction does not unreasonably prevent or hinder the non-minerals development; or • It can be proven that the mineral deposit is unlikely to be worked due to its quality or quantity; or • The development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or |

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| | <ul style="list-style-type: none"> • There is an overriding need for the non-minerals development to commence without delay. |
| MDC5: | <p>Protection and enhancement of Wiltshire and Swindon's landscape character</p> <p>Proposals for minerals development should include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to the following designated areas:</p> <ul style="list-style-type: none"> • The New Forest National Park • The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty • The Cotswolds Area of Outstanding Natural Beauty • The North Wessex Downs Area of Outstanding Natural Beauty. <p>The assessment should be informed by the Wiltshire Landscape Character Assessment, as a minimum, and where the proposed development is situated within or in proximity to an AONB or in proximity to the New Forest National Park, the relevant Management Plan.</p> <p>Proposals for minerals development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. Proposals in proximity to settlements must safeguard their character, setting and rural amenity through the implementation of mitigation measures that incorporate an acceptable separation distance, landscaping and planting, appropriate to the existing landscape setting and consistent with the proposed after-use of the site.</p> |
| MDC6: | <p>Biodiversity and geological interest</p> <p>Proposals for minerals development in Wiltshire and Swindon must be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest, taking into account cumulative impacts with other development and the potential impacts of climate change. The assessment must have particular regard to the need to maintain and / or enhance sites and species of international and national importance in accordance with the relevant statutory requirements. The assessment must also consider carefully the need to maintain and / or enhance the following features of local and regional importance:</p> <ul style="list-style-type: none"> • Local Biodiversity Action Plan habitats and species • County Wildlife Sites (including Semi Natural Ancient Woodlands) • Regionally Important Geological and Geomorphological Sites • Local Nature Reserves • The Great Western Community Forest. <p>Proposals for minerals development will only be permitted where adverse impacts will be:</p> <ol style="list-style-type: none"> a. Avoided; or b. Where an adverse impact cannot be avoided, the impact will be adequately mitigated; or |

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| | <p>c. Where adverse impacts cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity/geodiversity.</p> |
| MDC7: | <p>The historic environment</p> <p>In the interest of protecting the rich historic environment of Wiltshire and Swindon, proposals for minerals development will only be permitted where it can be demonstrated through a process of assessment that historic assets of archaeological or cultural heritage importance and their settings can be appropriately protected, enhanced and/or preserved.</p> <p>Proposals affecting historic assets known or potential archaeological importance must be accompanied by an appropriate archaeological evaluation. Based on the findings of the initial evaluation, preservation of nationally important remains in situ may be necessary, or developers will be required to agree to a scheme of further archaeological mitigation prior to commencement of the development or as part of the overall development scheme. In the interests of recording, preserving and future management of important archaeological features affected by a proposal the Councils may seek contributions from the developer in the form of a legal agreement.</p> |
| MDC8: | <p>Sustainable transport and minerals development</p> <p>Minerals development will only be permitted where it is demonstrated that the proposals facilitate sustainable transport by:</p> <ul style="list-style-type: none"> • Minimising transportation distances; • Maximising the use of rail or water to transport minerals where practicable and environmentally acceptable; • Ensuring a proposal has direct access or has suitable links with the Wiltshire HGV Route Network or primary route network; • Establishing mineral site transport plans; • Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway, railway, canal route, cycleway or public right of way, through improvements to the appropriate network where necessary. <p>Where appropriate, applications for minerals development will need to be accompanied by a Transport Assessment. The Transport Assessment will need to:</p> <ul style="list-style-type: none"> • Consider the impact of the development upon the highway network (and where relevant the local rail infrastructure, canal route, cycleway or public right of way), in the local area; • Consider the potential cross-boundary impacts and cumulative impacts of the development with other local developments; • And Identify any mitigation or compensatory works directly related to the development that may need to be funded by the developer in conjunction with the proposal. |
| MDC9: | <p>Restoration, aftercare and after-use management of minerals development</p> <p>Proposals for minerals development will be permitted where it can be demonstrated that a high quality and appropriate restoration</p> |

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| | <p>scheme will enable the long term maintenance and enhancement of the environment after the minerals development has ceased and at the earliest practicable opportunity.</p> <p>The proposals must demonstrate that:</p> <ol style="list-style-type: none"> 1. Restoration <ol style="list-style-type: none"> i. The restoration scheme incorporates phased restoration of the site that will minimise the period of operations in sensitive areas to protect settlements and residential amenity, taking into account the phasing and operations of nearby development; ii. Measures will be taken to ensure that soil quality will be adequately protected and maintained throughout the life of the development and in particular during stripping, storage and management of soils, subsoils and overburden arisings as a result of site operations; iii. There is an available supply of appropriate materials to be used for restoration purposes, as required to implement the proposed restoration scheme; and iv. The restoration scheme will not impede the successful adoption of the proposed after-use and will offer flexibility for a range of potential after-uses. 2. Aftercare <ol style="list-style-type: none"> i. The aftercare scheme incorporates an aftercare period of at least five years commensurate with the proposed after-use; and ii. Those responsible for the ongoing management and aftercare of restored sites have been identified and agreed. 3. After-use <ol style="list-style-type: none"> i. Where the proposed after-use will achieve habitat creation it aims to deliver the objectives of the relevant National, Regional or Local Biodiversity Action Plan, and where applicable, contribute to the delivery of the South West Nature Map and / or the Great Western Community Forest; ii. The after-use will be compatible with the wider context of the site, in terms of the character of the surrounding landscape (informed by the Wiltshire Landscape Character Assessment), existing land uses in the area, having considered the relative potential benefits of alternative after-uses in local, regional or national terms; iii. the site is designed for a primary after-use that will simplify and minimise long-term management; iv. and the after-use will benefit the local and/or wider community. |
| MDC10: | <p>Restoration within airfield safeguarding areas</p> <p>Proposals for minerals development within the following Airfield Safeguarding Areas, as identified on the Proposals Map, will be permitted when the applicant can demonstrate that the proposed extraction and after-use will not cause an unacceptable risk of bird strike:</p> <ul style="list-style-type: none"> • Boscombe Down • Colerne |

| | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none">• Fairford• Hullavington Barracks• Keevil Airfield• RAF Lyneham• Middle Wallop• Netheravon• South Cerney• Upavon (Trenchard Lines) |
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Appendix 3:

PAS Guidance Note on 'Shale Gas and Oil
Exploration and Planning'



PLANNING FOR SHALE GAS AND OIL – BRIEFING NOTE MARCH 2016

The exploration of shale gas and oil, and hydraulic fracturing – or 'fracking' as it has become commonly known – is a huge issue for local authorities and communities across the country.

This note provides information and advice on shale gas and oil exploration and production and how Mineral Planning Authorities plan for and make planning decisions on these highly contentious applications.

SUMMARY

Shale gas and oil exploration, appraisal and development is relatively new to the UK but is expected to be a major area of growth in the coming years.

The Government considers that shale gas and oil development should be part of the future energy mix, subject to continued environmental assessment and controls. Relatively little exploration and appraisal activity, to assess the commercial viability of shale gas and oil has been undertaken in the UK. Recent Written Ministerial Statements are clear in their support for such exploration to take place in a safe and sustainable manner.

The Government believes that the existing regulatory systems are fit for purpose whilst acknowledging that experience will enable more robust controls to be developed if necessary.

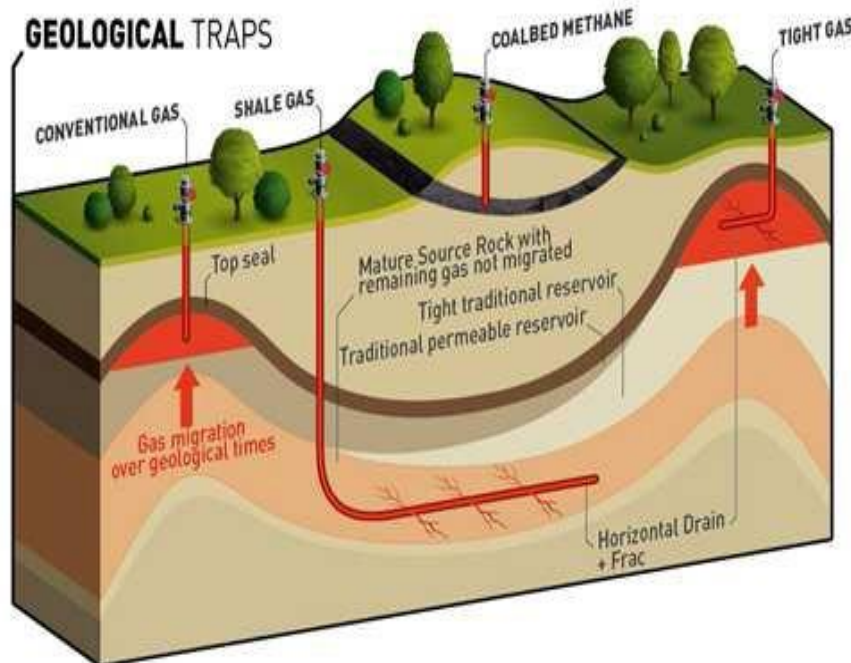
Mineral Planning Authorities are advised to plan positively for shale gas and oil development proposal. Local authorities working alongside other regulatory bodies will need to be equipped to handle the high interest and potential opposition to 'fracking' applications by some local communities and anti-fracking groups.

This briefing note aims to provide local authority officers and members with information on shale gas and oil development, government policy, the regulatory controls including the role of the planning system and the environmental and planning considerations that need to be taken into account by decision makers.

A reference list for further reading is included at the back of this guide that includes the key documents used to inform this briefing note as well as additional further reading that might be of interest.

CONVENTIONAL AND UNCONVENTIONAL HYDROCARBONS

Conventional hydrocarbons (gas and oil) are hydrocarbons that are trapped in porous reservoirs (e.g. sandstone and limestone) and are relatively easy to extract. Conventional gas and oil has been extracted on-shore in the UK for over 100 years.



Source: DECC

There are currently around 2,100 on-shore conventional oil and gas wells in the UK, some of which have been hydraulically fractured. Current production for onshore oil production is estimated at 20,000 barrels of oil per day.

Unconventional hydrocarbons are hydrocarbons that are trapped in rocks with low permeability and from which gas and oil are difficult to extract. Unconventional reserves include shale gas, shale oil, tight gas and coalbed methane.

Recent developments in drilling and well development technology have made it more economically attractive to extract unconventional gas and oil.

Shale Gas and Oil

Shale is formed from muddy sediments rich in organic matter deposited in seas millions of years ago. As these sediments were buried, they were heated and turned into rock and the organic matter was converted into gas and oil which is trapped in the rock.

These rocks are often the source rocks for conventional oil and gas fields but have low permeability so it is difficult to extract hydrocarbons from them directly. Shale gas is essentially the same as North Sea gas, i.e. mainly methane.

Shale Gas and Oil in the UK

In the UK shales containing gas and oil are present in:

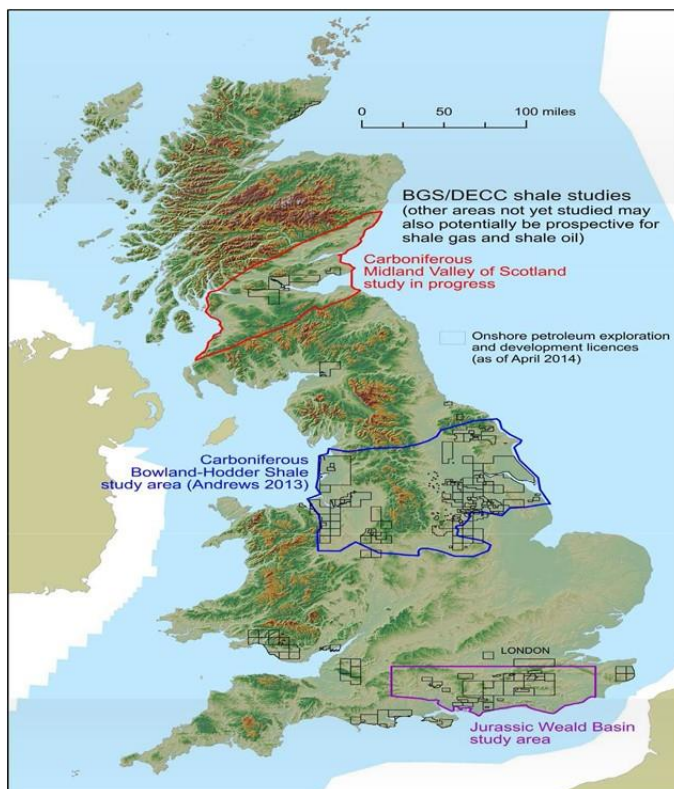
- Northern and Central England
- Southern England (Weald Basin)
- Central Scotland
- South Wales

The British Geological Survey (BGS) in association with the Department of Energy and Climate Change (DECC) has completed shale resource estimates for each of these areas.

An assessment for Northern and Central England was produced by the BGS in 2013 and the other three assessments were produced in 2014.

The assessment for Northern and Central England estimates that there is a median resource of 1,329 trillion cubic feet of shale gas in the area (i.e. the total estimated quantity of gas present). The reserve (the amount of gas which might feasibly be extracted) cannot be estimated at present without further exploration and appraisal but may be up to 10% of the total resource. If this was the case this would be equivalent of approximately 50 years gas supply in the UK (at the current rate of use). However, the recoverable reserve may be much lower than this.

The assessment for the Weald Basin (Southern England) estimates that there is a median resource of between 0.3 and 1.1 billion tonnes of shale oil in the area.



Source: DECC

Licensing for Onshore Oil and Gas Exploration

The Oil and Gas Authority (OGA) is responsible for administering the oil and gas licensing system in Great Britain. All rights and ownerships of the hydrocarbon resources of Great Britain (and UK territorial waters) are vested in the Crown by the Petroleum Act 1998. The Secretary of State for Energy and Climate Change periodically offers licences to explore and develop these resources.

Petroleum Exploration and Development Licences (PEDLs) are valid for a sequence of periods, called terms. These are designed to comprise the typical life cycle of a field: exploration, appraisal, and production. Each licence will expire automatically at the end of each term, unless the licensee has completed the working programme agreed with OGA.

The initial term is usually an exploration period. For PEDLs the initial term is set at five years and carries a work programme of exploration activity that OGA and the licensee will have agreed as part of the application process. The second term is intended for appraisal and development and is set at five years. The licence will expire at the end of the second term unless the Secretary of State approves a development plan. The third term is intended for production and is set at 20 years. The Secretary of State has the discretion to extend the term if production is continuing, but OGA reserves the right to reconsider the provisions of the licence before doing so.

Onshore licencing rounds generally take place every other year. On 17 December 2015, OGA announced that a total of 159 blocks were formally offered to successful applicants under the 14th Onshore Oil and Gas Licencing Round. This round had been launched on 28 July 2014 and closed on 28 October 2014.

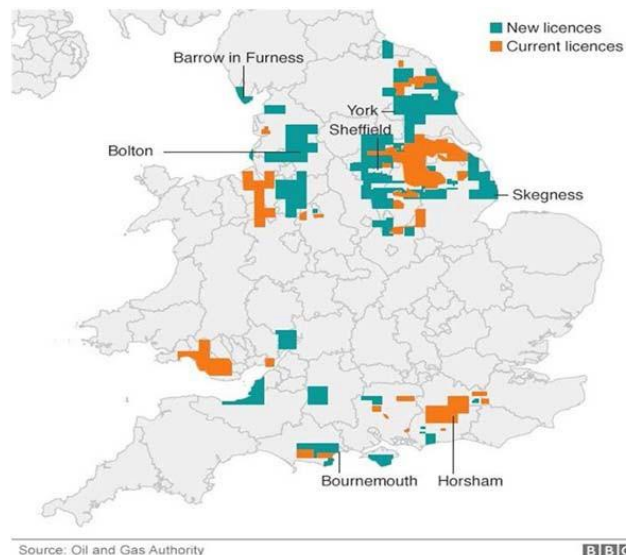
The blocks relate to all onshore oil and gas activities with about 75% being unconventional hydrocarbons.

The area under consideration for licencing had been subject to a Strategic Environmental Assessment in 2013. 132 of the 159 blocks were then subject to further detailed assessment in accordance with the Conservation of Habitats and Species Regulations 2010. In offering the 159 blocks OGA indicated that it was satisfied that there would be no adverse effect on the integrity of any protected European site.

The currently licensed blocks (1 February 2016) can be viewed on the following map and more detail is available on DECCs webpage:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/382805/Landfileds_Lics.pdf

The UK Onshore Geophysical Library (UKOGL) have produced a very useful free interactive map containing lots relevant data on licenses in the UK (including the names of license holders), along with local geological and seismic data, present well locations and district and unitary boundaries. <http://www.ukogl.org.uk/map/>



Shale Gas and Oil Exploitation

The rocks in the UK that contain significant shale gas resources are typically 2,000 metres to 4,000 metres below the ground surface. Rocks containing shale oil in the Weald Basin are typically 1,000 metres to 3,000 metres below the ground surface. Accessing the hydrocarbons requires the use of the following established oil and gas drilling techniques:

Vertical drilling – to reach the required depth below the surface.

Horizontal drilling – to maximise the amount of shale available for hydraulic fracturing.

Hydraulic fracturing – to maximise the amount of gas or oil which can be extracted from the shale.

Whilst none of these techniques are new technological advances, over the past few years they have allowed for increased control and accuracy during drilling to allow exploitation of shale gas and oil reserves

Hydraulic Fracturing

Hydraulic fracturing is the process of fracturing rocks by the injection of water (98%), sand (1%) and non-hazardous chemical additives (<1%) into the shale rock formation at high pressure. The wells are cased with steel tubes cemented in place. The tubes along the horizontal section of the well within the shale are perforated.

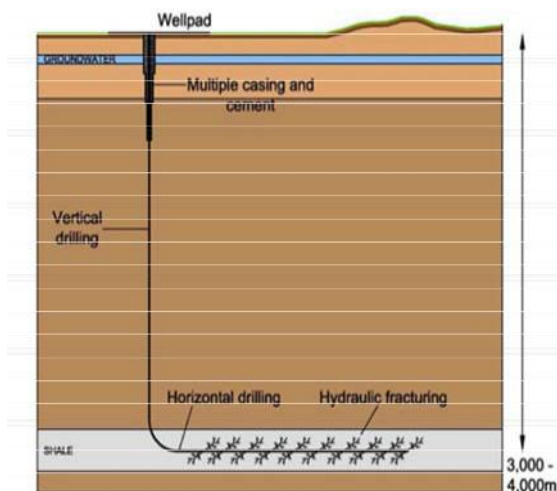
This hydraulic action or fracturing (hence 'fracking') opens up fractures in the impermeable shale rock that allow the gas to flow from the rock into the well. Fractures are typically < 350m long.

The process of hydraulic fracturing a horizontal well would typically take a few days.

The presence of the sand in the water acts as a “proppant” that ensures that the fractures stay open to allow the gas or oil to continue to migrate after the initial fracturing is undertaken.

Additives in the water include surfactants to enable the fluid to pass easily through fractures, bactericides and acids to prevent build-up of scale in the well. All chemical additives used in hydraulic fracturing require pre-approval by the Environment Agency and are required to be non-hazardous (non-carcinogenic).

Following fracturing, the gas or oil is allowed to migrate into the well which displaces the water forcing some of it back up the well to the surface. This is referred to as ‘flow back’ fluid.



Gas reaching the surface will either be flared (during exploration/appraisal) or piped off site to the gas transmission network (during appraisal/production).

Oil reaching the surface will either be tankered off site (during exploration and appraisal) or piped off-site during production.

Shale Gas and Oil Development

There are three phases in the development of a shale gas or oil field.



Source: DECC

Exploration and Appraisal

The well is situated on a pad – the ‘wellpad’. The amount of land needed for the wellpad for an exploratory or appraisal well will vary depending on how many wells are being drilled. A single well might only require 1-2 hectares but if 4 wells are being drilled up to 6 hectares may be needed. The site must be large enough to accommodate the drilling equipment, any on-site water storage requirements, staff facilities, parking and space for vehicle deliveries and movements.

Within a given licence block there might be a number of exploratory wells but these are likely to be relatively widely spaced over a licence block that could be hundreds of square kilometres in area.

The siting of wellpads will not only have to take into account the best locations in terms of the available knowledge regarding the shale gas or oil potential of a given area but also the land use and environmental constraints that would relate to any development.

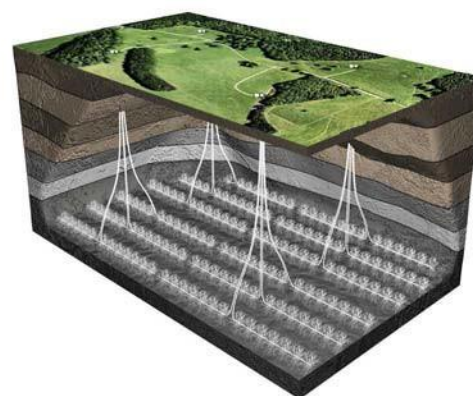
The data gathered from the exploration stage (the establishment of how much shale gas or oil might be present in the source rock) would form the basis for the appraisal stage during which the amount of gas or oil that could be produced will be assessed by undertaking hydraulic fracturing.

For each exploratory well the exploration phase itself is relatively short (2 to 4 months) and therefore some wellpads will represent very short-term development should there be insufficient gas.

When appraisal follows on from exploration the process might also be relatively short term, 4 to 6 months in duration for each well. However, the circumstances will vary for different sites. At the proposed Roseacre Wood and Preston New Road sites in Lancashire, the planning applications included provision for extended flow testing and the total period applied for exploration, appraisal and extended flow testing from 4 wells for each site was 75 months.

Production

The size of the wellpad required for the production phase will also depend on the number of wells on the site. A single well wellpad could produce gas from an area of 5 to 10 km². A multi-well wellpad could support up to 10 individual wells each with several horizontal wells (“laterals”). A single horizontal lateral could reach up to 2,000 metres from the wellpad.



The drill rig and associated infrastructure can be removed from the site after the well is fractured, with only the gas / oil production and transmission infrastructure remaining. A single well could be expected to produce gas for up to 20 years.

Off-site infrastructure will be required to service a number of pads to allow the gas or oil to be transported to the national grid or refinery. Connecting pipework is likely to be underground.

All exploration, appraisal and production wells will ultimately be plugged and abandoned with well-heads removed and the sites restored to their original state. OGA requires operators to submit an abandonment plan and obtain consent before operations to abandon a well are commenced. Operators are responsible for wells once abandoned and have an open-ended liability to remediate any ineffective abandonment operations.

ENVIRONMENTAL CONSIDERATIONS

The environmental considerations that will need to be taken into account will generally include the following.

- Water Use
- Waste Management
- Groundwater Contamination
- Surface Contamination
- Aerial Emissions
- Seismicity
- Traffic
- Noise
- Landscape and Visual
- Ecology
- Climate change

Water Use

The hydraulic fracturing of a typical well would require between 10,000 and 20,000 cubic metres of water (the equivalent of 4 to 8 swimming pools of water). Water with additives would be stored on-site in tanks.

During multi-stage fracturing for production the additives added to the water may vary throughout the process. In order to facilitate this, a development site would need to house the necessary storage and mixing equipment.

Sources of water for hydraulic fracturing include mains water, surface water and ground water. The use of mains water would require the agreement of the relevant utilities company whilst the abstraction of surface water or groundwater would require an abstraction licence from the Environment Agency (EA).

Waste Management

Each stage of shale gas or oil development will produce waste.

Drilling activity of any kind produces drill cuttings (rock fragments and drilling mud). This waste can be disposed of to landfill, as is currently the case for other drilling activities undertaken in the UK.

Flowback water will be collected and contained on-site in closed tanks (open storage ponds are not permitted in the UK.) The water will need to be discharged to sewer or transported to a water treatment works for treatment. Flowback water may contain Naturally Occurring Radioactive Materials (NORM) at low levels. This is also the case in conventional oil and gas extraction and procedures for the effective management of these materials are well established. Flowback water containing NORM is likely to require pre-treatment prior to conventional treatment. These aspects are regulated by the Environment Agency.

Recycling and re-using the flowback water, particularly during the development of multi-well pads, can reduce the overall water consumption of the fracking process.

Groundwater Contamination

Fracturing takes place at 2,000 to 4,000 metres below the surface (gas) or 1,000 to 2,000 metres (oil) and fractures are typically less than 350 metres in length. Freshwater aquifers are at shallow depths (typically within 100 metres of the ground surface). Therefore thousands of metres of rock separate fractures from drinking water supplies (aquifers).

Aquifers are protected from leakages from the well by the use of multiple cemented casing and the contamination of aquifers therefore is very unlikely if best practice is followed during drilling and completion. The Health and Safety Executive regulates the well design and construction.

Monitoring of groundwater quality before during and after development will be essential in assessing the impact of shale gas or oil development on groundwater quality. This is regulated by the Environment Agency.

Surface Contamination

Controls such as impermeable bunded or lined wellpads, effective flowback water containment, good working practices and continual monitoring should all be employed to limit the risk of surface contamination. These will be regulated by the Environment Agency. Baseline monitoring prior to any development is again important in order to compare surface conditions throughout and after development.

Aerial Emissions

Aerial emissions associated with shale development will include:

-
- dust – as a result of well pad construction activities;
 - particulates and NO_x – as a result of HGV movements and use of on-site generators during drilling and fracking; and
 - fugitive gas from the well and from flaring during appraisal and production.

UK and EU legislation on emissions apply to shale gas and oil development and it is the role of Local Authorities under the Environmental Protection Act 1990 to inspect sites for odour and noise associated with the venting or flaring of gas as well as to monitor emissions to ensure that they do not breach local air quality standards.

Operators should adopt best practice on site as well as undertaking emissions monitoring. Flaring is a method for controlling gaseous emissions that can be employed during development for use when necessary. Venting and flaring of methane and other emissions are controlled through conditions of PEDLs and flares on-site can be enclosed. During production it is not in an operator's interest to flare gas but to capture and maximise gas production/sale from each site.

Seismicity

Earthquakes felt at surface induced by hydraulic fracturing are a very rare occurrence. Of over 35,000 hydraulically fractured wells there have only been three noticeable earthquakes at Oklahoma in 1979, Preese Hall in Lancashire in 2011 and in British Columbia in 2012.

In light of the seismic activity experienced at Preese Hall the Secretary of State for Energy announced the introduction of new regulatory requirements to ensure that seismic risks are effectively mitigated.

The Oil and Gas Authority is responsible for enforcing the controls. Operators will first be required to review the available information on faults in the area of the proposed well to minimise the risk of activating any fault by fracking, and required to monitor background seismicity before operations commence.

Real time seismic monitoring will also continue during operations, with these subject to a “traffic-light” regime, so that operations can be quickly paused and data reviewed if unusual levels of seismic activity are observed.

GREEN: Go, injection proceeds as planned

AMBER: Injection proceeds with caution, possibly at reduced rates, Monitoring is intensified

RED: Injection is suspended immediately

If a magnitude greater than M_L 0.5 is detected operations will stop and the pressure of the fluid will be reduced. A magnitude of M_L 0.5 would only be detectable by sensitive equipment and would not be felt by people at the surface.

Traffic

Development will result in an increase in HGVs on local roads associated with the delivery of materials for well pad construction and drilling and fracking operations, the importation of water if a local piped supply is not available and the management of wastes, particularly flow back fluid. A traffic impact assessment will therefore normally be required to be submitted with the planning application.

Noise

Noise impacts may occur as a result of construction of the site and well pad, drilling and fracking operations and the transport of materials. As with all new developments, the impact of noise on the local environment will need to be assessed. The applicant should carry out an appropriate assessment having regard to the relevant national and local planning policy and guidance. Drilling and fracking operations may take place 24/7 and in such cases noise impacts during the night will need to be considered.

Landscape and visual

The main impacts on landscape character and visual amenity will take place during the exploration and appraisal stages from the drilling rig(s). The rig may be over 50m high but its use will be temporary and intermittent and painting an appropriate colour may reduce the visual impact. The site will contain storage containers and staff facilities. It is likely to be surrounded by security fencing and landscaping/acoustic soil mounds that will screen some of the structures and activities taking place on the well-pad but will themselves have landscape and visual effects. The impact of lighting will need to be considered particularly night time illumination.

Ecology

Impacts on ecology may include those on protected species and habitats as a result of development sites. Ecological surveys undertaken at the appropriate time of year should identify baseline, potential effects and appropriate mitigation taken wherever possible.

Climate Change

Greenhouse gas emissions from shale gas and oil development are primarily associated with two different elements of the process:

- emissions released by the extraction process; and
- the carbon footprint of shale gas and oil when used commercially

The process of extracting shale gas or oil has the potential to release methane into the atmosphere. During exploration and appraisal gases are released and flaring is employed to minimise emissions of greenhouse gases. 'Green completion

technologies' will be utilised to allow operators to capture the methane from the flowback fluid for flaring.

DECC recommend that unconventional hydrocarbon exploration and production in the UK should be accompanied by careful monitoring and inspection of greenhouse gas emissions relating to all aspects of exploration, pre-production and production, at least until any particular production technique is well understood and documented in the context of UK usage.

A recent study undertaken by DECC found that the carbon footprint for shale gas is significantly less than that for coal when used for electricity generation and that the majority of carbon emissions will come from its final use as a fuel. The production of shale gas could increase global cumulative greenhouse gas emissions if the fossil fuels displaced by shale gas are used elsewhere. This is not specific to shale gas and would apply to the exploitation of any new fossil fuel reserve.

COAL BED METHANE (CBM)

Coalbed methane is a further unconventional gas resource. Methane is bound within coal by a process known as adsorption, where gas molecules adhere to surfaces or fractures within the coal.

To extract coalbed methane a well is drilled into the coal seam and water is pumped out to lower the pressure in the seam. This allows methane to desorb from the internal surfaces of the coal enabling it to flow, either as free gas or dissolved in water, towards the production well.

The quantity of gas produced from a well increases as the amount of water pumped out decreases.

Permeability is necessary to achieve CBM production. The natural permeability of coal seams can be low, so some CBM wells are stimulated (by hydraulic fracturing) to improve connectivity between the well and the coal.

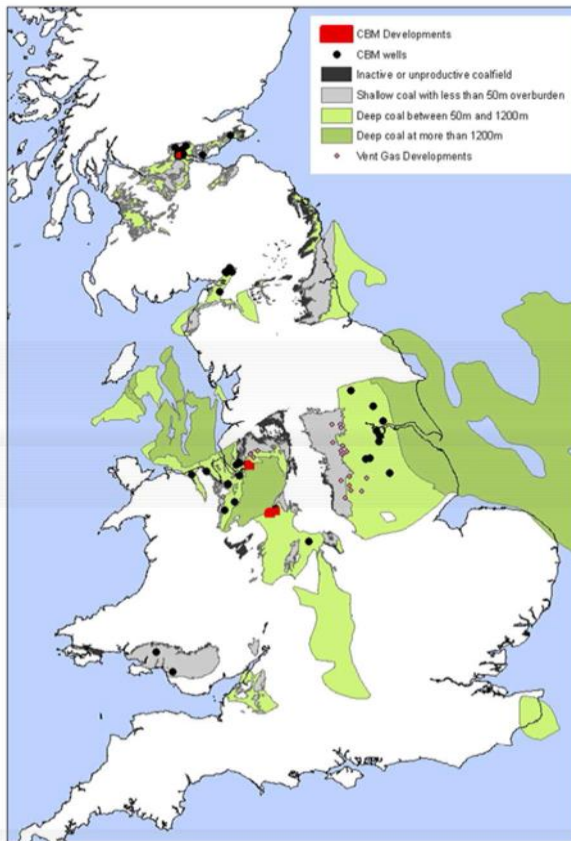
Licensing for CBM in the UK

A Petroleum Exploration and Development Licence (PEDL) allows a company to pursue CBM exploration activities in the same way as for shale gas and oil exploration.

CBM in the UK

The map below shows those areas of the UK where there are deep coal resources and where there are current CBM developments. As at 2012 three CBM development plans had been approved by DECC, but as yet no full scale developments have been constructed. Between 2007 and 2012 over 40 CBM exploration and appraisal wells and 12 pilot production development wells were drilled.

The BGS has estimated that the total CBM resource in the UK is 2,900 billion cubic metres. However a study by the BGS in 2004 estimated that as little as 1% of this resource could be recovered, because of perceived widespread low seam permeability, low gas content, resource density and planning constraints. If 10% of the UK CBM resource potential could be developed, the produced 290 billion cubic metres would correspond to over three years of UK natural gas supply.



DECC 2012

Drilling for CBM

CBM is present at shallower depths than shale gas - typically from 150 – 1,500 metres deep.

Accessing the gas uses similar oil and gas drilling technologies to shale gas. However, the well configuration is different due to the need to pump groundwater out of the seam (including the need for multiple wells in certain cases).

Groundwater Contamination

Fracking may be required to extract CBM if seams are insufficiently permeable. Fractures formed by hydraulic fracturing commonly extend beyond the coal seam and may serve as conduits between the coal seam and groundwater aquifers if the coal being targeted is present at shallow depths.

To prevent contamination, detailed knowledge of coal seam properties (porosity, fluid conductivity, seam thickness, etc.) is required before the decision about the location for a CBM production well that may be hydraulically fractured is made.

CBM Regulation

The majority of the same regulations and controls that apply to shale gas and shale oil also apply to CBM, particularly if hydraulic fracturing is involved. The regulatory controls that apply to CBM development are co-ordinated by the same UK regulators that regulate shale gas and shale oil development including the relevant Minerals Planning Authority (MPA), Environment Agency (EA), Oil and Gas Authority (OGA), the Health & Safety Executive (HSE) and the Coal Authority.

ASSESSMENT AND REGULATION

Planning applications for shale oil and gas developments will require an Environmental Impact Assessment (EIA) where the site is larger than 0.5 ha in size or if the proposed development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Developers can submit an EIA voluntarily even where the development may not fall into the scope of the EIA Regulations. As with all EIA development applications the 'scope' of the assessment should be agreed with the MPA.

An EIA requires baseline monitoring to be undertaken for groundwater and surface water, air and noise and seismicity before development commences. The impact assessment identifies mitigation of predicted impacts where necessary and specifies the scope for ongoing monitoring as required. Assessment of the cumulative effects of field development will be very important at the production stage of shale gas and oil development.

Infrastructure Act 2015

The Infrastructure Act 2015 received royal assent on 12th February 2015. The Act simplified the procedure for obtaining the right to use underground land 300 metres and below for the purpose of exploiting oil and gas. Most of the provisions came into force on 12 April 2015 and the remaining provisions come into force in April 2016.

Part 6 of the Act introduces a number of 'Onshore hydraulic fracturing safeguards'. In summary, hydraulic fracturing is prohibited from taking place in land at a depth of less than 1000 metres; and associated hydraulic fracturing is prohibited from taking place in land at a depth of 1000 metres or more unless the licensee has the Secretary of State's consent for hydraulic fracturing to take place.

The Secretary of State may not issue a hydraulic fracturing consent unless the operator provides evidence that the following conditions have been met.

-
- The environmental impact of the development, which includes the relevant well, has been taken into account by the local planning authority.
 - Appropriate arrangements have been made for the independent inspection of the integrity of the relevant well.
 - The level of methane in groundwater has, or will have, been monitored in the period of 12 months before the associated hydraulic fracturing begins.
 - Appropriate arrangements have been made for the monitoring of emissions of methane into the air.
 - The associated hydraulic fracturing will not take place within protected groundwater source areas.
 - The associated hydraulic fracturing will not take place within other protected areas.
 - In considering an application for the relevant planning permission, the local planning authority has (where material) taken into account the cumulative effects of a) that application; and b) other applications relating to the exploitation of onshore petroleum obtainable by hydraulic fracturing.
 - The substances used, or expected to be used, in associated hydraulic fracturing: a) are approved; or b) are subject to approval, by the relevant environmental regulator
 - In considering an application for the relevant planning permission, the local planning authority has considered whether to impose a restoration condition in relation to that development.
 - The relevant undertaker has been consulted before grant of the relevant planning permission.
 - The public was given notice of the application for the relevant planning permission.

The Act also sets out that the Secretary of State must, by regulations, specify a) the descriptions of the areas which are ‘protected groundwater source areas’; and b) the descriptions of areas which are ‘other protected areas’. In December 2015 the Government approved the protected areas in which hydraulic fracturing will be prohibited. It cannot therefore take place at depths above 1200 metres in National Parks, the Broads, AONBs and areas that are most vulnerable to groundwater pollution (SPZ1s).

Regulatory Controls

Shale gas and oil development is subject to a range of regulatory controls co-ordinated by different UK regulators including the relevant Minerals Planning Authority (MPA), Environment Agency (EA), the Oil and Gas Authority (OGA), the Health & Safety Executive (HSE) and, if drilling encroaches on coal seams, the Coal Authority.

A number of studies have been undertaken and reports produced with regards to the effectiveness of the current regulatory regimes in the UK to manage shale gas and oil development. Regulators have also produced and are continuing to develop industry specific guidance as to how development will be monitored and managed and also

how the different regulatory bodies envisage working together going forwards. Key document references are included at the back of this note.

The Royal Society/Royal Academy of Engineering – Shale Gas Extraction in the UK: A Review of Hydraulic Fracturing 2012 report states:

“Shale gas extraction in the UK is presently at a very small scale. [...] Uncertainties can be addressed through robust monitoring systems and research [...] Co-ordination of the [regulators] must be maintained. Regulatory capacity may need to be increased.”

Public Health England – Draft Review of Public Health Impacts 2013 states:

“The currently available evidence indicates that the potential risks to public health from exposure to the emissions associated with shale gas extraction are low if the operations are properly run and regulated.”

In addition to the guidance provided by statutory regulatory bodies, the United Kingdom Onshore Operators Group (UKOOG) has published their UK Onshore Shale Gas Well Guidelines for the exploration and appraisal phases of development. The document contains details of what is considered to be good industry practice and it references relevant legislation, standards and practices.

Policy makers need to design policies that strike the right balance between the role of the MPA and the other regulatory regimes involved in shale gas and oil development.

Case law has established that impacts regulated under another regime and the existence of that regime, are both material considerations for the planning decision maker. MPAs will therefore need to be satisfied that matters regulated by others have been addressed by the applicant and that the relevant regulatory body recommends that there are no reasons to refuse planning permission due to such impacts.

PLANNING FOR SHALE GAS AND OIL DEVELOPMENTS

Planning Application Process

Planning permission is one of the regulatory approvals required before any activity may start.

A Minerals Planning Authority (MPA) will decide whether the activity is acceptable in planning terms at that particular location, after local communities and other interested people have had the opportunity to set out their views on the benefits and impacts of the proposal through a public consultation process.

The MPA in England will be the county or unitary authority in which the development is proposed.

Planning permission is required for each stage of the process; exploration, appraisal and production. An applicant may apply for more than one stage in the same application. Most commonly this will be for exploration and appraisal.

The issues for planning consideration for shale gas and oil developments are likely to include the following:

- noise;
- air quality and dust;
- lighting;
- visual impact on the local and wider setting;
- landscape character;
- heritage features;
- traffic and impact on the highways network;
- land contamination;
- soils and impact on agricultural land;
- internationally, nationally and locally designated wildlife sites, protected species and ecological networks;
- nationally protected geological sites and features; and
- site restoration and aftercare.

Development Plans

The Planning and Compulsory Purchase Act 2004 introduced a new plan making system and the procedures were consolidated by the Town and Country Planning (Local Planning) (England) Regulations 2012. Some Local Planning Authorities do not yet have adopted plans prepared under the new system and the development plan may comprise a mix of policies from the old and new systems.

Shale gas and oil development is a recent phenomenon and adopted policies in Development Plans are only likely to exist for conventional (i.e. not involving hydraulic fracturing) hydrocarbon exploration, appraisal and production in areas that have seen this activity in the past. In areas that have not experienced conventional hydrocarbon activities, Development Plan policies are likely to be of a generic nature (e.g. applying to all types of mineral development).

Current development plan policies largely carry forward the approach originally set out in Department of the Environment Circular 2/85 'Planning Control over Oil and Gas Operations':

- encourage exploration and production;
- maximum exploitation consistent with good practice;
- onus on the industry to demonstrate need.

Existing policies are also typically structured in terms of the 3 phases of development (exploration, appraisal and production) – to reflect:

- different policy considerations at each stage; and
- planning decisions for exploration and appraisal should not pre-empt decisions to be taken later at the production stage.

MPAs which fall in areas that are the subject of PEDLs issued by OGA will need to consider the issues likely to be raised by shale gas and oil development. This includes those MPAs that have up to date policies on conventional hydrocarbon exploration, appraisal and production.

MPAs are presently taking different approaches towards the preparation of Development Plan policies for shale oil and gas. Some authorities intend to rely on the same policy approach for both conventional and unconventional hydrocarbons whereas others are proposing a tailored policy approach that recognises the distinctive features of unconventional hydrocarbons.

Some authorities are preparing Supplementary Planning Documents (SPD) on shale oil and gas that will provide detail to support policies in higher order planning policy documents. Care needs to be taken, however, as SPDs cannot introduce new policy on shale oil and gas.

Until new Development Plan policies are adopted dealing specifically with unconventional hydrocarbons, decisions on individual shale gas proposals will need to have regard to generic policies where they exist as well as other ‘material considerations’ that apply.

Material Considerations

There is no statutory definition of “material considerations”. They have been established through case law and a wide range of policy and evidential documents can also be considered as material.

In the case of shale gas and oil there are two key policy / guidance documents that apply:

- National Planning Policy Framework (DCLG, March 2012); and
- Planning Practice Guidance. Minerals. Planning for Hydrocarbon Extraction. (DCLG, March 2014 and April 2015)

Important evidential material includes governmental statements, professional reports published and studies undertaken regarding shale gas and oil development in the UK (key study references are included at the back of this note). Also relevant are the Ministerial Statements by Amber Rudd (Secretary of State for Energy and Climate Change) made on 16 September and 18 November 2015.

National Planning Policy Framework (NPPF)

The NPPF was published in March 2012 and sets out the Government's planning policies for England. Key sections of the NPPF relevant to shale oil and gas that should be given weight include:

Paragraph 14 – 'At the heart of the NPPF is a presumption in favour of sustainable development'

Paragraph 142 - 'important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs'

Paragraph 144 - 'When determining planning applications, local planning authorities should... give great weight to the benefits of mineral extraction, including to the economy...(and) ensure...that there are no unacceptable adverse impacts on the natural and historic environment, human health....'

Paragraph 147 - 'MPAs should...when planning for on-shore oil and gas developments, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production.'

In preparing Development Plan policies or assessing planning applications for shale oil and gas MPAs will also need to consider other policies within the NPPF that are material to the circumstances of the case.

Planning Practice Guidance

Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance into a single Planning Practice Guidance suite that is available as an on-line resource. The guidance is intended to be read alongside the NPPF and other planning guidance. Most of the guidance was issued in March 2014 but it is revised and updated as appropriate.

Many parts of the guidance may be relevant to shale oil and gas proposals depending on the circumstances of the case but the following should be given weight.

Section 9 of the guidance on minerals deals with planning for hydrocarbon extraction and was issued on 6 March 2014. Paragraph 91 states: 'As an emerging form of energy supply, there is a pressing need to establish - through exploratory drilling - to assess whether or not there are sufficient recoverable reserves to allow full scale production on an economically viable scale.'

The guidance also includes information on the phases of hydrocarbon development and the issues raised by such developments including those that are specific to unconventional oil and gas reserves.

MPAs are encouraged to make appropriate provision for hydrocarbons in mineral local plans. Where they consider it necessary to update their local plans and they are in a PEDL they are expected to include Petroleum Licence areas on policies maps and criteria based policies for each of the three phases of development. Specific locations may be included should the industry wish to promote specific sites. Safeguarding areas are not normally needed (paragraphs 105 and 106).

The guidance notes that ‘some issues may be covered by other regulatory regimes but may be relevant to MPAs in specific circumstances’ (paragraph 112). The example of risk to groundwater is referred to, where the Environment Agency has responsibility for ensuring the risk is appropriately identified and mitigated, but MPAs have a role in preventing pollution through controlling such aspects as site construction and operation.

Paragraph 112 continues: ‘there exist a number of issues which are covered by other regulatory regimes and MPAs should assume that these regimes will operate effectively. Whilst these issues may be put before MPAs, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body’.

Ministerial Statements

Amber Rudd, Secretary of State for Energy and Climate Change, made a written ministerial statement ‘*Shale Gas and Oil Policy Statement*’ to the House of Commons on 16 September 2015. It states that it should be taken into account in planning decisions and plan making.

The statement sets out the Government’s view ‘that there is a national need to explore and develop our shale gas and oil resources in a safe, and sustainable and timely way’. It continues ‘exploring and developing our shale gas and oil resources could potentially bring substantial benefits and help meet our objectives for secure energy supplies, economic growth and lower carbon emissions’.

The statement lists a number of potential economic benefits of indigenous shale gas production leading it to conclude ‘that there is a clear need to seize the opportunity now to explore and test our shale potential’. It states that ‘this must be done whilst maintaining the very highest safety and environmental standards’. It continues: ‘The Government is confident we have the right protections in place now to explore shale safely.... Planning authorities can also have confidence that the regulators will enforce safety, environmental and seismic regulation effectively’.

The statement also set out a number of expectations for the planning system. ‘There is a clear expectation that local planning authorities should ensure that decisions on planning applications are made within statutory timeframes: 16 weeks where an

application is subject to Environmental Impact Assessment. This should be supported by an upfront timeline agreed with the applicant including the anticipated decision date. To avoid unnecessary work causing delay, when determining planning applications, local planning authorities should carefully consider which issues can be left to other regulatory regimes, taking full account of the Government's planning guidance on this issue.'

The Government provided a £1.2m shale support programme for 2015/16 to assist local planning authorities to determine applications in a timely manner. At the time this note was produced, the Government had not announced whether a similar funding programme would be available for 2016/17.

Amber Rudd also announced that the recovery criteria would be revised to enable the Secretary of State for Communities and Local Government to recover appeals for exploring and developing shale gas, subject to review after two years.

On 18 November 2015 Amber Rudd set out the '*Priorities for UK energy and climate change*' in a further written ministerial statement. This stated: 'New nuclear and gas will be central to our energy secure future and we are encouraging investment in our shale gas exploration so we can add new sources of home-grown supply to our real diversity of imports'.

There has subsequently been some discussion and speculation on the implications for UK energy policy, including shale oil and gas development, of the Paris climate change agreement to cap global warming at 2C. However, to date there has been no further update to Amber Rudd's statement of 18 November 2015.

Public Engagement

As part of the planning process, MPAs will make applications and supporting documents including the Environmental Statement available to local people and will ask for their comments.

These will be considered with the planning application. Other organisations, including statutory consultees such as the Environment Agency, will also be consulted on any application.

Each planning application must be publicised by a display on-site and in local newspapers and information must also be available on the relevant local authority website. This must include a section on how interested people can submit representations about the application.

Pre-application Discussions

It is good practice for the applicant to discuss the proposal with the MPA and other interested parties including local residents before the planning application is submitted. Such engagement can improve the quality of planning applications. The

approach to pre-application engagement needs to be tailored to the nature of the proposed development. Pre-application discussions are particularly recommended for major planning applications and controversial proposals such as shale gas and oil developments. Increasing numbers of local planning authorities are charging applicants for pre-application advice.

Planning Performance Agreements

A planning performance agreement (PPA) is a project management tool that the MPA and the applicant can use to agree timescales, actions and resources for handling planning applications. It can also involve other interested parties including statutory consultees. The agreement can cover all stages of the process from pre-application discussions through to determination of the planning application. A PPA can be particularly useful in setting out an efficient and transparent process for determining major and complex planning applications, providing increased certainty on timescales and responsibilities for all concerned.

PPAs will not be appropriate for all MPAs or for all applications. However, there could be advantages in using a relatively simple PPA for shale gas and oil proposals but because of their controversial nature there is a need for openness and transparency to avoid any perception that a PPA could be viewed as ‘buying a permission’.

Some advantages and barriers to using a PPA for shale gas and oil developments are noted below:

Advantages:

- Provides a framework for handling pre application discussions and the application in an efficient and effective way.
- Provides an effective project management tool for setting out the timescales and responsibilities.
- Provides additional certainty on the process and timescales to all interested parties.
- As pre-application charging is now the norm, the perception of a ‘permission being bought’ is reduced.
- Provides funding to offset e.g. the abnormal costs involved in processing representations and security measures.

Barriers:

- Public perception of ‘buying a permission’.
- Mindset that PPAs are a tool for dealing with housing and multi-use applications not minerals applications.

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- Perceived as being too complex and ‘legalistic’.
 - Concern that MPA will have difficulties in meeting the agreed timescales because of lack of resources, committee cycles, delays in applicant providing the required information, delays in receiving key consultee responses etc.
 - Lack of understanding on how a PPA can assist the process.
 - Resistance from councillors.

Some of the barriers can be overcome by:

- Giving public clarity on the role of a PPA and that entering into the PPA does not prejudice the decision making process.
- Officer and member training on PPAs.
- Use of a model PPA.
- Highlight the advantages in particular the additional funding obtained to assist in meeting abnormal costs of handling these type of applications.
- Agree with statutory consultees their role or engagement in the PPA process.

PAS has prepared a model template and user guide for a PPA for shale gas and oil developments. The PPA template is available on the PAS web site for MPAs to adapt to their own circumstances and to use.

Public Concern

Shale gas and oil development has attracted a lot of attention from the media and the public. Public concerns include a wide range of matters including groundwater protection and induced seismicity as a result of hydraulic fracturing.

Weight to be given to public concern has been considered by the courts and can be broadly summarised as:

- public safety is capable of being a material consideration;
- public opposition per se is not a material consideration;
- concerns may be a material consideration if they relate to a planning matter, are objectively justified and may have land-use consequences; and
- where public concern is not justified, it cannot be conclusive.

There have been several cases where public concern has resulted in widespread public protests against shale gas and oil proposals. Sometimes demonstrations have been peaceful and well ordered but in some cases this has involved such actions as vandalism and public disorder. This poses additional challenges for local authorities and other agencies including the police.

DEALING WITH CONTROVERSIAL APPLICATIONS

Determining applications in a timely and appropriate manner when faced with a large number of representations / enquiries is an issue that MPAs may find challenging in relation to shale gas and oil development applications. Senior planning officers in a number of MPAs that have dealt with planning applications for shale gas/oil developments have commented that:

- the level of media and public interest is unprecedented with thousands of representations being received;
- there is public concern about the capacity of the regulators and lack of understanding of their roles;
- applicants have a responsibility to aspire to and deliver “highest environmental standards”; and
- decisions in this area are subject to highest level of scrutiny.

There are a variety of techniques that local planning authorities can use to help address these issues.

Best practice in engaging with local communities could involve the following:

- Sharing information about shale oil and gas developments through the MPA’s website.
- Links on the MPA website to accredited sources of information on fracking and related issues.
- Encouraging the potential applicant to engage with local communities at an early stage in the pre-application process.
- Encouraging local residents, businesses, Parish Councils etc to work collaboratively highlighting that it is the quality not the quantity of representations that the MPA is seeking.
- Learn lessons from the experiences of other MPAs that have dealt with similar controversial applications.
- Use plain and simple language and avoid emotive terminology such as ‘fracking’ and ‘unconventional’.

The industry can assist in this process by following a number of techniques.

- Early engagement with local communities that will be affected by the proposed development.

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- Provide guidance and good practice on the UKOOG website.
 - Ensuring that all necessary information is provided with the planning application.

Local Planning Authorities can use the following techniques for dealing with large numbers of representations:

- Use of digital tools to group representations that contain similar subject matter.
- State in the Statement of Community Involvement that all representations will be taken into account but they will not receive a response or acknowledgment.
- Encourage the public to submit representations on-line as this makes processing easier.

The following can assist the determination of applications within statutory timescales:

- Use of Planning Performance Agreements to agree timescales and responsibilities.
- Specialist, dedicated teams of planning officers and support staff within MPAs (whilst recognising that resource availability could be an issue).
- Getting the information right when the application is submitted and avoiding the need to seek further information after submission.
- Do not validate the application until all the required information to the required standard has been submitted.
- Good project and programme management.
- Early engagement between applicant and MPA and other interested parties (statutory consultees, local communities etc.) as appropriate at pre-application stage or earlier, with MPA being proactive in contacting companies awarded PEDLs in its area.

The interface between the MPA and the regulators is a key consideration for shale oil and gas developments. The following can assist in ensuring that the MPA and the regulators work effectively together and that the public are aware of their respective roles and responsibilities:

- Good websites with clear information on respective roles and responsibilities
- Effective networking between the MPA and the regulators either through meetings or telephone calls.

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- Greater visibility of regulators including attendance at public engagement events, training events, committee meetings etc.

FINANCIAL MATTERS

The UK Onshore Operators Group (UKOOG) has adopted a “Community Engagement Charter” which includes a commitment to provide:

- £100,000 per well site where hydraulic fracturing takes place; and
- 1% of revenues from production allocated approximately 2/3rd to the local community and 1/3rd at the county level.

In addition to this, the Prime Minister announced on 13 January 2014 that Councils will be able to keep 100 per cent of business rates they collect from shale gas and oil sites. This is double the current 50 per cent figure and DECC has stated that the business rates could be worth up to £1.7 million a year for a typical site.

In January 2015 DCLG published a summary of responses to a consultation on draft regulations to allow the 100% local retention of business rates on shale gas and oil sites. The publication includes the Government’s position on this matter following the consultation and how it intends business rates to be split between two-tier authorities.

In addition Amber Rudd in her ministerial statement in September 2015 stated: ‘we also strongly believe that communities hosting shale gas developments should share in the financial returns they generate. The Government welcomes the shale gas companies’ commitment to make set payments to these communities, which could be worth £5-10m for a typical 10 well site, and we want to go further. As announced by the Chancellor in the 2014 Autumn Statement, and set out in our manifesto, we are determined to ensure that local communities share more of the proceeds and feel more of the benefits, using a proportion of the tax revenues that are recouped from shale gas production, we will present our proposals later this year for how we propose to design the sovereign wealth fund.’

Regulation 122 of the Community Infrastructure Levy Regulations 2010 sets out the limitations which apply to the use of planning obligations. Regulation 122(2) states that: “A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related to scale and kind to the development.

The type of local community benefits scheme which UKOOG has adopted fails all three of the tests set out in Regulation 122(2). MPAs are therefore likely to be advised that it would be improper to take any account of such financial benefits when determining applications.

FURTHER READING

Key Studies/publications:

The Unconventional Hydrocarbon resources of Britain's onshore basins – Shale Gas, 2012, Department of Energy & Climate Change

The Unconventional Hydrocarbon resources of Britain's onshore basins – Coalbed Methane (CBM), 2012, Department of Energy & Climate Change

The Carboniferous Bowland Shale gas study: geology and resource estimation, 2013 (Updated March 2015), British Geological Survey, Department of Energy & Climate Change

Shale gas extraction in the UK: a review of hydraulic fracturing, June 2012, The Royal Society and The Royal Academy of Engineering.

Shale gas: challenges and opportunities - A briefing note by the Geological Society of London, Summary of public briefing meeting held in June 2012

Potential groundwater impact from exploitation of shale gas in the UK - Groundwater Science Programme Open Report OR/12/001, British Geological Survey, 2012

Review of the Potential Public Health Impacts of Exposure to Chemical and Radioactive Pollutants as a Result of Shale Gas Extraction, Public Health England, June 2014

Industry Guidance

UK Onshore Shale Gas Well Guidelines, Exploration and appraisal phase: Issue 2 January 2015, United Kingdom Onshore Operators Group.

Community Engagement Charter Oil and Gas from Unconventional Reservoirs, 2013, United Kingdom Onshore Operators Group.

Regulatory Guidance

Onshore oil and gas exploration in the UK: regulation and best practice, England (different versions available for Scotland, Wales and Northern Ireland), December 2015, Department of Energy & Climate Change

Guidance on fracking: developing shale oil and gas in the UK, 6 January 2016, December 2015, Department of Energy & Climate Change

Fracking UK Shale: safety from design to decommissioning, February 2014, Department of Energy & Climate Change.

Onshore oil and gas exploratory operations: technical guidance, Consultation Draft, Environment Agency, August 2013.

Guidance Note: Regulation of exploratory shale gas operations – Environment Agency, November 2012

The Environment Agency and the Health and Safety Executive: Working together to regulate unconventional oil and gas developments, November 2012

Other Guidance:

Fracking UK Shale: Climate change, February 2014, Department of Energy & Climate Change.

Potential Greenhouse Gas Emissions Associated with Shale Gas Extraction and Use, September 2013, Professor David J C MacKay FRS, Dr Timothy J Stone CBE, Department of Energy & Climate Change.

Recommended Web Sites:

United Kingdom Onshore Operators' Group: www.ukoog.org.uk

Oil and Gas Authority: www.gov.uk/government/organisations/oil-and-gas-authority

Environment Agency: www.gov.uk/government/organisations/environment-agency

Health and Safety Executive: www.hse.gov.uk/offshore/unconventional-gas.htm

British Geological Society: www.bgs.ac/shalegas

Public Health England: www.gov.uk/government/organisations/public-health-england

Planning Advisory Service: www.pas.gov.uk

The UK Onshore Geophysical Library (UKOGL): <http://ukogl.org.uk/>

This advice note has been produced by Stephenson Halliday for PAS following the delivery of a programme of workshops for Mineral Planning Authority officers and councillors on Planning for Shale Gas and Oil in March 2016. It builds on a previous advice note PAS produced.



Councillors Briefing Note

No. 304

Service: Corporate Office
Further Enquiries to: Michael Hudson (Associate Director, Finance)
 or Paul Kelly (Head of Service, Corporate Support)
Date Prepared: 31 August 2016
Direct Line: (01225) 713601 or (01225) 713049

Budget Setting for the Medium Term

As part of the 2016/17 budget settlement Government proposed a longer term 4-year funding offer to councils. This is contingent on councils submitting an efficiency statement to the DCLG by the end of October. Should the Council wish to take up this funding offer then the efficiency statement, which will include medium term budget proposals, will need to be taken to full Council for decision on 18 October.

In following the approach developed in Wiltshire to setting the budget, overview and scrutiny (OS) is engaged at an early stage ahead of Cabinet consideration and Council decision. In applying this to evaluating the Government's offer within the timescale given, the Financial Planning Task Group will be doing some dedicated work starting with a presentation to its scheduled meeting on Thursday 8 September. It is likely that the Task Group will need to meet on a number of occasions in quick succession to be sufficiently confident in giving its views. The Management Committee will then need to endorse the work of its Task Group and agree recommendations to Cabinet on 11 October and Council on 18 October. This will require an extraordinary meeting of the Management Committee.

Again as part of budget-setting there will be public consultation meetings mainly focused on the financial challenges for the Council and priorities for the future. These are being promoted through announcements at area boards as well as other channels. A briefing for all councillors ahead of full Council on the technical aspects of the offer is also planned as part of the now familiar process. An outline timetable is set out below with leading members and contributors consulted on dates.

| Date | Meeting/Event |
|--------------|-------------------------------------------|
| 6 September | Overview & Scrutiny Management Committee |
| 8 September | Financial Planning Task Group |
| 13 September | Cabinet |
| 15 September | Financial Planning Task Group (Meeting 2) |
| 22 September | Financial Planning Task Group (Meeting 3) |
| 26 September | Public Consultation Event – Chippenham |
| 27 September | Public Consultation Event – Devizes |
| 28 September | Public Consultation Event – Salisbury |
| 29 September | Public Consultation Event – Trowbridge |

| | |
|------------|-----------------------------------------------|
| 10 October | Extraordinary Overview & Management Committee |
| 11 October | Cabinet |
| 13 October | Members Briefing |
| 18 October | Full Council |

Councillor Briefing Note No.305

Service: Economic Development
and Planning

Further Enquiries: Alistair Cunningham

Date Prepared: 16 September 2016

Direct Line: (01225) 713203

Update on 14th Onshore Oil & Gas Licensing Round

An article has been published by the 'Drill and Drop - Independent journalism on fracking, onshore oil and gas and the reactions to it' website regarding the offer of the Petroleum Exploration and Development Licences (PEDLs) by Government for four blocks of land in Wiltshire, as reported in Councillor Briefing Note 271.

The full article can be found via this link:

<https://drillordrop.com/2016/09/14/breaking-sw-energy-gives-up-forest-of-dean-and-wiltshire-exploration-licences/>

The article reports that South Western Energy would not be accepting the offer of licenses in Wiltshire due to low energy prices and financial viability. However, it also states that the company might reapply outside of a formal licensing round. The company would be accepting licenses in Somerset and Dorset.

A spokesperson for the Oil and Gas Authority (OGA), made the following comment:

"The OGA can confirm that some blocks offered under the 14th Onshore Licensing Round have not been accepted by those to whom they were offered.

"This means that the licenses pertaining to these blocks will not be awarded."

We will continue to monitor the situation as it applies to Wiltshire and its environs.

Councillors Briefing Note

No. 306

Service : *Environment Service*
Further Enquiries to: Ian Brown
Date Prepared: 29 September 2016
Direct Line: (01225) 716667

Uber - Update

The purpose of this briefing

To provide members with an overview of the current position between the transportation and network company Uber and Wiltshire Council.

The transportation and network company - Uber is an online company, with its worldwide headquarters in San Francisco, California, USA. The Uber smartphone application allows consumers with smartphones to submit a trip request which is then routed to the drivers signed up to the Uber driver application. These drivers use their own cars and are all licensed private hire drivers who should adhere to all regulations put in place by the licensing authority.

Under the Local Government (Miscellaneous Provisions) Act 1976, Wiltshire Council, as the local authority, has a legal responsibility to regulate all hackney carriage and **private hire** licensing.

In law anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's licence.

Private Hire Operator Licences are required for the base at which the private hire booking takes place. As the bookings are taken via the Uber app it is not clear where the actual booking takes place. However Uber have advised that it is their intention to apply for a Private Hire Operators Licence in Wiltshire, in order to take private hire bookings across Wiltshire. Records of these bookings will be made available to the council's compliance officers on request.

Uber is currently operating in Bath and North East Somerset Council, Swindon Borough Council, Bristol City Council and Portsmouth City Council administrative areas along with other city locations throughout the United Kingdom and worldwide.

The Council's Taxi Compliance team have engaged with BANES and Swindon BC regarding their involvement with Uber.

At Uber's request council officers attended a meeting with Uber on 27 September 2016. At present no application has been received from Uber.

Further updates will follow.

Councillors Briefing Note No. 307

Service: Economic Development and Planning

Further Enquiries to: Alistair Cunningham

Date Prepared: 1 November 2016

Direct Line: (01225) 713203

WILTSHIRE HOUSING LAND SUPPLY STATEMENT 2016 UPDATE

Consistent with the release of the 2015 Housing Land Supply Statement (Councillors Briefing Note 258), this briefing note has been prepared to provide an update on the 2016 Housing Land Supply position for the three housing market areas (HMAs) in Wiltshire.

Overview

The National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites to demonstrate whether they can provide five years of housing against their HMA housing requirements, with an additional buffer to ensure choice and competition in the market for land within Wiltshire, a 5% buffer is required (or 5.25 years in total)

The update for Wiltshire has now been completed and the results of the assessment, using a base date of 1 April 2016, have been published in the latest Housing Land Supply Statement (HLSS) on the Council's website [here](#). The updated position is summarised in Table 1 below.

Table 1: Wiltshire housing land supply by HMA, as at April 2016

| Area | Housing requirement 2006-2026 | Housing completions 2006-2016 | Five year housing requirement 2016-2021 | Deliverable supply 2016-2021 | Number of years of deliverable supply |
|------------------------------|-------------------------------|-------------------------------|-----------------------------------------|------------------------------|---------------------------------------|
| East Wiltshire HMA | 5,940 | 3,147 | 1,397 | 2,311 | 8.27 |
| North and West Wiltshire HMA | 24,740 | 11,703 | 6,519 | 6,684 | 5.13 |
| South Wiltshire HMA | 10,420 | 4,596 | 2,912 | 3,316 | 5.69 |
| Wiltshire HMAs | 41,100 | 19,466 | N/A | 12,311 | N/A |
| Swindon (within Wiltshire) | 900 | 466 | N/A | 354 | N/A |
| Wiltshire Total | 42,000 | 19,912 | N/A | 12,665 | N/A |

Appendix 6 of the HLSS sets out the local housing requirements by community area and for each principal settlement, market town and in south Wiltshire, the local service centres, as set out in the Wiltshire Core Strategy. It shows the level of housing completions, commitments and residual level of housing to be provided in each location to ensure the Core Strategy requirements can be achieved over the plan period.

The HLSS represents a snapshot in time and the assessment of housing land supply is not an exact science. The estimates of delivery for the sites listed are based on the evidence available up to the point of publication.

Key points to note are:

- There is a sufficient supply of housing in the East and the South HMAs. The supply for the North and West HMA is marginally below the requirement set by Government policy (the council needs to be able to demonstrate a 5.25 year supply, which includes the 5% buffer).
- A level of supply below six years is not always sufficient to discourage appeals being lodged. Additional sites will therefore need to come forward in suitable locations between now and 1 April 2017, in order to maintain sufficient supply in HMAs. The emerging Wiltshire Site Allocations Plan will help to boost supply in these areas.
- Sites brought forward since 1 April 2016 including through planning permissions, resolutions to grant planning permission subject to s106 agreement and 'made' neighbourhood plans will almost certainly make a valuable contribution to the housing land supply when the assessment with an April 2017 base date is published. These will help replace sites that fall out of the land supply as a result of completions.

Councillors Briefing Note

No. 308

Service : Economic Development and Planning
Further Enquiries to: Alistair Cunningham
Date Prepared: 02/11/2016
Direct Line: 01225 713203

Corsham Mansion House

The council invites people to give their views on new proposals to transform Corsham's Mansion House into a new centre for start-up and small businesses, focussed on digital innovation, at a special consultation event next week.

Springfield Community Campus will host the event on 10 November from noon to 7.30pm providing information and displays on the redevelopment plans for the site before a planning application is submitted later this month.

The £2.5m redevelopment project is one among a number of schemes benefiting from the Government's Local Growth Fund secured by the Swindon and Wiltshire Local Enterprise Partnership (SWLEP). Wiltshire Council as the owner of the Mansion House, will carry out the redevelopment, if plans are approved. The redevelopment aims to provide new digital learning and business space for local business..

The redevelopment is in the context of Corsham's growing reputation as a digital communications and technology centre of excellence, built on the presence of the global digital communications and analytic intelligence centre of MOD and a number of large firms focused on data storage and analysis.

The project will extend the capacity of the Mansion House building to accommodate micro and small businesses that focus on digital solutions in industry and society. It will be a space where industry, academia, institutions and the public sector can come together to exchange ideas.

Upcoming milestones

10 November – Consultation Event, Springfield Community Campus, Noon – 7.30pm
23 November – Corsham Area Board presentation
Mid-late November – Planning application submission

Councillors Briefing Note

No. 309

| | |
|------------------------------|----------------------------|
| Service : | Democratic Services |
| Further Enquiries to: | Paul Kelly |
| Date Prepared: | 30/11/2016 |
| Direct Line: | (01225) 713049 |

Members Expenses

Councillors will recall previous briefing notes relating to the introduction of electronic claims via the SAP portal with effect from 1 April 2016. ([Briefing Note 286](#) and [Briefing Note 289](#)) The Payroll team and the Corporate Office have worked with Councillors to support the transition from the old paper system on an ongoing basis. The majority of Councillors have now moved across successfully to the electronic system which has delivered significant efficiencies in the processing of claims.

It had been anticipated that by now all claims for expenses would be made via the SAP portal and within the three month timescale. This briefing note formally withdraws the access to the old paper claim system with effect from 1 January 2017 in preparation for the new Council in May 2017. In addition to this, claims that are submitted outside of the three month timescale will be sent to the Monitoring Officer for review and authorisation. Please be aware that this will result in a delay in claims being paid.

If there are still any Councillors that require support with SAP then this remains available from the Business Support team within the Corporate Office by contacting coporatebusinesssupport@wiltshire.gov.uk

Councillors Briefing Note No. 310

Service: Economic Development and Planning

Further Enquiries to: Alistair Cunningham

Date Prepared: December 2016

Direct Line: (01225) 713203

UPDATE OF LOCAL DEVELOPMENT SCHEME

The Council has a statutory duty to prepare and update a Local Development Scheme (LDS), which sets out the development plan documents (DPDs) that are to be, or being prepared and timetable for their preparation.

The current published LDS covered the period 2015 to 2018 and was brought into effect in January 2015 with more recent updates on the timetables made available on the Council's website. The LDS has been reviewed and timetables updated to reflect the changes in circumstance that have affected progress on the DPDs in the 2015 LDS. Progress on the DPDs, together with the implications for the timetable, is summarised below

- The Draft Chippenham Site Allocations DPD was submitted to the Secretary of State for Examination in July 2015 and the hearings commenced in November of that year. Suspension of the hearings by the Inspector to allow the Council to undertake a schedule of work led to the hearing sessions reopening in October 2016 and consultation on further proposed modifications to the plan will close December 2016. The timetable has been updated to reflect this and adoption is now anticipated early 2017.
- Consultation on the scope of the Wiltshire Housing Site Allocations DPD was undertaken in 2014 and informal consultation subsequently undertaken with Parish and Town Councils in 2014 and 2015. Delays to the timetable have occurred due to the complexity of the Plan, the additional work required by the Inspector examining the Chippenham Site Allocations Plan and the considerable interest with Neighbourhood Planning across Wiltshire, which the Council has a duty to support. The timetable has been updated to reflect this and consultation on a draft Plan programmed to commence June 2017, five months delay on the previously published programme.
- Consultation on the scope of the Gypsy and Traveller DPD was completed in April 2014 and a Gypsy and Traveller Accommodation Assessment (GTAA) to inform the plan published in December 2014. However, the identification of suitable sites has affected progress and is still ongoing. The Government's change in the definition of Gypsy and Travellers in the National Planning Policy Framework, after the publication of the GTAA, also now requires further consideration. The revised timetable has been updated to reflect this ongoing work and consultation on a draft Plan is now programmed to commence December 2017.

- Consultation on the scope of the Partial Review of the Wiltshire Core Strategy DPD and evidence to inform the partial review was completed in May 2015. Progress on the other DPDs has been prioritised and progression of the partial review will be considered under a full review of the LDS programmed in 2017.

The 2016 LDS can be found via [this link](#). It is an interim LDS pending full review in 2017. The Council, as recognised in the 2015 LDS, is preparing a new joint Strategic Housing Market Assessment (SHMA) with Swindon Borough Council to inform the need for a further review of Core Strategy policies particularly in relation to the housing market areas and levels of growth to extend the plan periods of both authorities Plans. The findings from this assessment will be known early 2017 and will help determine what form the review of the Wiltshire Core Strategy will take.

Councillors Briefing Note

No. 311

Service: Economic Development and Planning

Further Enquiries to: Alistair Cunningham

Date Prepared: December 2016

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HOUSING LAND SUPPLY CALCULATION

Following the publication of the Council's Housing Land Supply Statement in November 2016, this briefing note has been prepared to provide clarification as to how the Council's housing land supply is compiled, the various sources of supply, and how the monitoring period used by the Council defines which sites are included in the supply.

Context

The National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPAs) to identify a supply of specific deliverable sites to demonstrate five years of housing against their housing requirements, with an additional buffer of either 5% (equating to 5.25 years in total) or 20% (equating to 6 years in total) if an LPA have a record of persistent under-delivery of housing in a particular Housing Market Area (HMA). In each of the three HMAs in Wiltshire, the 5% buffer applies.

The Council produced its 2016 Housing Land Supply Statement (HLSS)¹ (with a base date of April 2016) in November 2016 and a Councillor Briefing Note² was issued to notify members of its publication.

Sources of supply

The 5-year housing land supply is made of a large number of specific deliverable sites, which are from the following sources:

- Strategic Sites within the adopted Wiltshire Core Strategy,
- Sites with planning permission or prior approval³,
- Sites with resolutions to grant planning permission subject to a Section 106 agreement,³
- Saved Local Plan allocations (that have been reviewed and carried forward as part of the Wiltshire Core Strategy),

¹ <http://www.wiltshire.gov.uk/hsg-land-supply-statement-2016-november.pdf>

² Cllrs Briefing Note No.307

³ Including those granted on Greenfield land outside of settlement boundaries

- Made (i.e. Adopted) neighbourhood plan allocations,
- Emerging neighbourhood plan allocations (where the neighbourhood plan has reached the formal consultation stage),
- a windfall allowance (in accordance with paragraph 48 of the NPPF).

Housing land supply monitoring period

The NPPF requires LPAs to update its housing land supply position on an annual basis. The annual update is an extensive exercise which requires surveying all sites with planning permission to determine how many dwellings have been newly completed, or whether the permission has expired without being implemented. It also requires liaison with land owners, developers and Officers to determine whether a specific site is deliverable and the likely quantity of housing delivery from the site in the forthcoming 5-year period. This takes into account the lead-in time following planning permission being granted before a development is likely to commence.

The Council's monitoring period runs from 1 April to 31 March each year. As such, sites which were granted permission or received a resolution to grant permission up to and including **31 March 2016** qualified for inclusion in the housing land supply set out in the 2016 Housing Land Supply Statement⁴.

It is recognised that the Council has also granted permission, and passed resolutions to grant permission, for a number of large housing sites from 1 April 2016 to the present day. Many of these permissions and resolutions are considered 'windfall' sites as they are not allocated in the Wiltshire Core Strategy or a neighbourhood plan, and have unexpectedly come forward for development.

These 'post-April 2016' large sites are referenced in Table 3 of the 2016 Housing Land Supply Statement to demonstrate the Council's commitment to maintaining a 5-year housing land supply in the future. These sites will contribute to the 5-year housing land supply when the next monitoring period is completed and the Housing Land Supply Statement, with a base date of April 2017, is published.

Housing land supply is not an exact science and essentially represents a snapshot in time. During planning appeals appellants will often seek to identify sites with the aim of suggesting they are not delivering in line with the Council's trajectories to reduce the housing land supply position below 5 years. In response, the Council would seek to defend its position and will also bring to the attention of the inspector those large sites that have been granted planning permission since 1 April. However, whilst acknowledging the measures that the Council has taken to maintain a healthy housing land supply, inspector's will ultimately apply the base date of the latest published report in their assessment.

Windfall allowance

The NPPF allows LPAs to include an allowance for windfall sites in its 5-year housing land supply. It states that LPAs should have "*compelling evidence that such sites have consistently been available in the local area and will continue to be a reliable source of supply*". This allowance represents anticipated housing delivery during the forthcoming 5-year period from sites which have not been granted planning permission at the base date for the assessment (e.g. at 1 April 2016 in the current Housing Land Supply Statement). It is essentially an

⁴ Allocated sites in the Wiltshire Core Strategy, and 'made' and emerging neighbourhood plans are also included in the housing land supply where it is considered the site is deliverable within the forthcoming 5-year period.

estimate of what will happen in the future based on historic delivery and the policies in the Wiltshire Core Strategy.

The Council's approach to calculating the windfall allowance has been tested at numerous planning appeals and found to be robust. The approved method is based on past housing permissions on **brownfield sites only**⁵. This is consistent with the definition of windfall in the NPPF which states "*They normally comprise previously-developed sites that have unexpectedly become available*". Although the NPPF does not dismiss greenfield land (other than residential gardens) as a potential source of supply in calculating a windfall allowance, emphasis is placed on previously-developed or brownfield land. For Wiltshire, only brownfield sites are used when calculating the windfall allowance because such land can reasonably come forward for development consistent with both the NPPF and Wiltshire Core Strategy and therefore the allowance can be considered to be a "*reliable source*".

It is recognised that greenfield sites outside of settlement boundaries do come forward for development. These would fall under the first part of the definition of windfall as set out in the NPPF i.e. "*sites which have not specifically been identified as available in the Local Plan process*." However, these cannot be considered to be a reliable source when calculating an allowance for future windfall permissions as they would be contrary to the development plan. It would be inconsistent to declare that the housing land supply partially relies on sites that are contrary to policy set out in the Wiltshire Core Strategy being approved in the future.

The above approach does not preclude unallocated greenfield sites making a contribution to housing delivery. All planning permissions granted prior to the base date for the housing land supply assessment (in this case 1 April 2016) that are considered deliverable, including greenfield windfall development, are counted in the housing land supply.

⁵ This is detailed in Appendix 5 of the 2016 Housing Land Supply Statement.

Briefing Note 312 –Number allocated but not issued

Councillors Briefing Note

No. 313

Service: Finance

Further Enquiries to: Dick Tonge

Date Prepared: December

Direct Line: 01225 718577

Revenue Budget Monitor

Period 7 (end of October 2016) for the financial year 2016/2017

Summary

- The Period 7 Revenue Budget Monitor shows £4.040 million savings to be found.
- The purpose of budget monitoring is to identify risks in order to allow management to address them in a timely manner. As the year unfolds there are sometimes unexpected additional demands for services.
- As in previous budget monitors, the Period 7 monitor will target large variances and the managerial actions arising to ensure a balanced budget at year end.
- To put these figures in context;
 - The Council has saved over £100M over the last 5 years
 - The overall savings for 2016/17 due to reduced government grants and increased demand is £25.25 million. The Period 7 report shows a gap of £4.04 million.
 - The £4.040 million to be saved represents 1.3% of the Council's net budget of £312 Million or 0.5% of the Council's gross budget of £850 Million.
 - Over the next four years the Council has to save an additional £45 million.

Briefing

1. Cabinet reviews the financial performance of the Council quarterly with formal reports tabled at the relevant Cabinet public meeting. This report advises members of the revenue budget monitoring position with suggested actions as appropriate.
2. The purpose of budget monitoring is to identify risks in order to allow management to address them in a timely manner. As the year unfolds there are sometimes unexpected additional demands for services, sometimes delays in savings due to the need for additional public consultation, sometimes risks associated with National Non Domestic Rates revaluations, not controlled by the Council, and other factors. Anyone who has ever run a business knows that this type of uncertainty is a reality of life.
3. The quarterly monitor enables actions to be taken in good time to achieve a year end balanced budget which is a legal requirement on all Councils.
4. If there were to be no recognition of potential problems the Council would only discover them at the year end when it would be too late to do anything about it.
5. The Cabinet paper for Period 7 indicates a £4.040 million year end overspend should nothing change. This is a reduction since the last report from Period 4 dated 13th September which showed an overspend of £8.3 million.
6. The Period 7 Cabinet paper is explicit on the areas where the financial difficulties

have occurred, these are;

- **Children's Social Care**

Children's Social Care budgets are projected to overspend by £1.977 million (£1.800 million at Period 4). The key risks continue to be costs associated with looked after children.

The actions being taken to minimize this overspend are shown in detail in the report.

The fact is that children at risk can't be ignored and it is the duty of the Council to protect such children from risk and exploitation.

- **Disabled Children & Adults**

This service is currently projected to overspend by £2.329 million (£1.300 million at Period 4). This is £1 million higher primarily due to continued growth in the number and cost of packages of care and pressure on Special Educational Need transport budgets for home to school transport.

The growth in the number of care packages and in transport costs was anticipated at budget setting and the budget was increased in line with estimated costs, however activity and costs following the new academic year have exceeded the initial estimates. This is in terms of the volume of children meeting the criteria for transport because eligibility for Education Health Care Plans now extends beyond nineteen years of age and because of more local college provision is replacing residential college provision. **This is due to government changing the criteria without giving additional funding to cover the cost.**

The actions being taken to minimize this effect are shown in detail in the report.

Again the fact is that disadvantaged residents can't be ignored, it is the duty of the Council to assist these residents to improve their life chances.

7. Care demand and costs are a problem for all Councils with this responsibility. The Social Care Levy allowed by the government has alleviated but not resolved the problem. These demand and cost pressures are expected to continue to increase year on year into the future. The NHS has exactly the same financial pressures due to demand, as reported regularly in the press, especially as winter approaches, but, unlike Councils, is bailed out by the government every year.
8. It is no pleasure to cite the figures for other Councils but it does serve to demonstrate that the issue of care costs is universal. For example The Greater Manchester Combined Authority has applied to the Treasury for an extra £214m to cover social care costs. Other examples are shown below.

| Authority | Latest overspend predicted | Main reason | % of net budget |
|---------------|----------------------------|---------------------|-----------------|
| Swindon | 4.9m | Care & Waste | 3.6 |
| Somerset | 22m | Care | 7.7 |
| Devon | 7.5m | Care | 1.7 |
| Staffordshire | 12.9 | Care | 2.6 |
| Bristol | 27.5m | Care, Property, ICT | 8.6 |
| Lancashire | 11.3m | Care | 1.6 |
| Birmingham | 49m | Care | 5.9 |

Councillors Briefing Note No. 314

Service: Corporate
Further Enquiries to: Carolyn Godfrey
Date Prepared: 07/12/2016
Direct Line: 01225 713751

Update on Syrian refugees in Wiltshire – One Year On

It is now a year since full council passed a motion to participate in the Government's Syrian Vulnerable Persons Relocation Scheme and the first Syrian refugees arrived in Wiltshire. Wiltshire was one of the first local authorities to welcome refugees under the scheme and is now home to 68 Syrian refugees.

Wiltshire Council is continuing to work closely with public sector partners and the community to ensure homes, school places and all necessary support is in place for when refugees arrive in the county. The Refugee Programme Board continues to coordinate support for arrivals from the NHS, Wiltshire Police and DWP and other partners (such as Wiltshire College for English lessons) as well as council services for education, housing, skills and social care.

We are grateful to the many volunteers who have worked with us and our partner agencies to ensure they have everything they need to settle here quickly. The volunteers have been part of a multi-agency approach to ensure the individuals and families have all they need. Our families are based all over Wiltshire with each family or person having a volunteer on hand to support them as they become accustomed to the British way of life. Our families who have been here for some time are already integrating with their communities and volunteering or gaining work experience as well as preparing to find work.

Some of the Syrian refugees in the county have recently been reunited with other members of their family. We have worked closely with the Home Office to achieve this and where we can we consider such requests. Each of the families that have been reunited with relatives in Wiltshire has been eligible in their own right for the Syrian Vulnerable Persons Relocation scheme (that is, they fall into the most vulnerable category of refugees who have been victims of violence or torture, have medical needs or are women and girls at risk).

The numbers of Syrian refugees we can accommodate in 2017 will be determined to a large extent by the availability of suitable accommodation. If you know of someone willing to explore renting their house or flat to a Syrian refugee, please contact the housing options team on [01225 718005](tel:01225718005) or homeless@wiltshire.gov.uk

We are looking for self contained properties, with their own entrance, that are available to rent for a minimum of 12 months at Local Housing Allowance rate. The team are happy to talk about wider support that can be given to enable properties to be rented. The properties will be for families or individuals living on their own. We work with Wiltshire Community Foundation and volunteers who can help with cleaning and overseeing the properties, including furnishing and decorating properties and providing welcome packs.

Support is in place for each family, including interpreters and an appointed support worker to help the families settle in and become integrated. We also check capacity at local GP surgeries and schools to ensure they are able to meet local needs. All refugees are able to work in the UK and are supported to learn English (when not already fluent). Many already have a professional background or qualification and those who have arrived in Wiltshire already have shown a strong desire to integrate and have been incredibly grateful for the opportunity for a safe new home.

Funding for the refugee programme comes through the UK Government's International Aid budget and this covers all the costs - including furnishing the homes and ensuring refugees have the key essentials to help them start their life here.

Know someone who wants to help?

Wiltshire is one of nine pilot areas where people can log online to offer help to support refugee families who have settled in the county. The Help Refugees in the UK webpage has been launched by the government to allow people interested in providing support to log their interest and detail the support they can provide. In the Wiltshire Council area, people wishing to help can offer in a number of areas including housing; community, group and cultural activities; electrical goods and toys; full or part time jobs; or fostering and independent visiting.

People willing to help can access the website on <https://help-refugees-uk.service.gov.uk/next> to register the services they can offer. Wiltshire Council will then wherever possible match these offers to those who can benefit.

Councillors Briefing Note No. 315

Service: Corporate Office

Further Enquiries to: Sarah Cosentino

Date Prepared: 20 December 2016

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WILTSHIRE ONLINE PROGRAMME – BROADBAND UPDATE

On 1 November 2016 Overview and Scrutiny Management Committee received an update on the delivery of superfast broadband in Wiltshire from Cllr George Jeans, Scrutiny Member representative on the project board. Further information was also provided by Cllr John Thomson, Cabinet Member for Highways and Broadband. Please see below for the latest update on broadband for Wiltshire.

Summary:

- To date 83,000 homes and business now have access to fibre broadband
- Additional build announced to serve a further 5000 premises
- Additional funding secured to procure an Ultrafast broadband solution

What is Wiltshire Online?

The Wiltshire Online programme is designed to provide a fibre broadband service to those premises that commercial providers consider to be financially non-viable. Without Wiltshire Council's investment, approximately 40% of Wiltshire would not have access to superfast broadband. The council's approach is designed to deliver fibre broadband to the greatest number of premises for the budget available.

To date over 83,000 homes and businesses have access to fibre broadband due to Wiltshire Council's Wiltshire Online investment.

The Intervention Area – Where We Wiltshire Online Invest

The Wiltshire Online programme must comply with EU State Aid law to ensure that public money is invested appropriately. As a first step to ensure compliance, Wiltshire Online conducted an Open Market Review with the communications industry to establish the current broadband infrastructure (basic broadband and Next Generation Access (NGA)) already in place in Wiltshire and where there were plans for investment in such infrastructure in the coming three years. The areas that were not going to be targeted commercially formed what is known as our 'Intervention Area' and it is where, according to EU State Aid law, we are allowed to invest public money in.

Once the Intervention Area had been defined, we looked to BT to design the rollout. When we embarked on the programme in 2012 the broadband gap in Wiltshire was significant and we were aware that unfortunately our investment could not benefit all premises. With this in mind, and knowing Wiltshire Council needed to do something to reduce the gap, the rollout was designed on a 'Best Value for Money' basis - in summary to bring fibre broadband to as many premises as possible with the funds available.

Contract 1 – Update on progress

Contract 1 is now complete. The council has received the final financial claim from BT and the Wiltshire Online delivery team is now working with Broadband Delivery UK (BDUK), Department of Culture, Media and Sport on a robust contract closure and assurance process over the next four months.

Contract 2 – Update on progress

Contract 2 commenced March 2016 and will bring a superfast fibre service to more than 5,000 premises.

Contract 2 is progressing though at a slower pace than Contract 1. As the build enters more rural areas, the challenge becomes greater. For example, fibre cabinets require a power connection and getting power to this new infrastructure can prove problematical.

However, despite these additional challenges, the Wiltshire Online delivery team remains confident that Contract 2 rollout will complete in summer 2017 as planned.

Additional Build 5,000 new premises will benefit.

There is a gain share clause in the current broadband contract that brings additional funds back into the contract investment pot to allow the council to extend its build footprint. More than a third of those able to access the new technology as a result of the Wiltshire Online roll-out have already opted for an upgrade. This high demand has helped to trigger further reinvestment through the county's partnership.

We have updated the Wiltshire Online website with the additional postcodes that now feature in our extended high level build plans and would encourage residents to visit the website for the latest update.

Further Broadband Opportunities - Ultrafast Broadband

Wiltshire secured £2m from BDUK's South West Ultrafast Fund and £1m match funding has been secured from the Swindon and Wiltshire Local Enterprise Partnership (SWLEP). The Wiltshire Online delivery team is working closely with Procurement, Legal, BDUK and central government's National Competence Centre to complete a State Aid compliant and robust procurement exercise.

As previously explained the Intervention Area for Ultrafast will be defined as per EU State Aid Law to ensure that currently unserved premises not in any future build plans will be considered.

The Invitation to Tender (ITT) has been launched inviting broadband suppliers to bid. We expect the procurement to be completed in spring 2017.

Better Broadband Subsidy Scheme

The scheme is intended to deliver central government's Universal Service Commitment to ensure that all homes and businesses have access to download speeds of at least 2Mbps. If premises are not in any current plans to receive a fibre broadband service (either through Wiltshire Online or as part of a commercial build) and currently receive less than 2Mbps, then the Better Broadband Scheme might be an option.

This scheme can offer support towards the cost of the equipment and installation of a wireless or satellite broadband connection. If premises are eligible, the resident will be issued with a code that can be redeemed with approved suppliers and which is worth £300 - £350 towards the initial cost.

The vouchers can lend themselves to supporting community solutions if there are multiple premises with access to speeds of less than 2Mbps. The vouchers, whilst they have no monetary value, may be aggregated and put towards a community solution with an approved supplier.

Once an application has been received, the Wiltshire Online team will complete a series of eligibility checks to confirm whether the home or business will feature in the superfast broadband roll-out. Based on these checks, the team will advise whether or not the premises will be eligible to benefit from the scheme.

More information and an online application form can be found on the Wiltshire Online website on the 'Better Broadband Scheme' page.

'When Can I Get It' Registration Service

On the Wiltshire Online website, there is an option for residents to register their details with Wiltshire Online which means one of the team will email when fibre broadband is available. We would encourage residents to sign up to the service as the quickest way of finding out when fibre broadband is in their area.

Additional comments from Cllr George Jeans, Scrutiny Representative on the Superfast Broadband project board

"The small team administering this £20 million plus project have done well in my opinion. To date over 83,000 homes and businesses have access to fibre-optic broadband due to Wiltshire Council's Wiltshire Online investment. This is a great overall achievement."

UK wide broadband and new housing developments – additional information from Cllr Jeans

Broadband is increasingly considered by residents as a vital utility but this has yet to be supported by a change in the legislation with regards to new build premises.

Apart from the Wiltshire Online programme, the Government has worked with Openreach - BT's local access network business - and the Home Builders Federation (HBF) on an agreement which aims to deliver superfast broadband connectivity to new build properties in the UK.

The new deal will see fibre based broadband offered to all new developments either for free or as part of a co-funded initiative. It is estimated that more than half of all new build properties can be connected to fibre broadband free of charge to developers.

As part of the agreement, Openreach is introducing an online planning tool for homebuilders. This will tell them whether properties in a given development can be connected to fibre for free, or if a contribution is needed from the developer to jointly fund the deployment of the local fibre network.

When the scheme was launched earlier this year, BT Openreach offered free connections to any development of over 100 premises. As of the next few weeks, this free offering will be extended to any development of 30 premises or over (link to more info [here](#)).

Central government has also acknowledged that while they are supportive of the BT Openreach initiative, there will be a limited number of new premises that are located in very hard to reach areas and that smaller developers in particular may need to consider a range of suppliers offering different technologies to achieve superfast connectivity.

It should be noted that while the government has worked with BT Openreach on this initiative, there are several broadband providers across the UK who can and do provide broadband infrastructure to new build homes. Wiltshire Council does not endorse one fibre provider over another with regards to new build developments.

Further Information

Further information about the Wiltshire Online programme including a postcode checker, FAQs and updates by exchange area can be found on the Wiltshire Online website – www.wiltshireonline.org.

For specific queries, please contact the team at: broadband@wiltshire.gov.uk

Councillors Briefing Note

No. 316

Service :

Further Enquiries to:

Ian Gibbons

Date Prepared:

22/12/2016

Direct Line:

(01225 713052)

Guidance Note

Management of council business and publicity during the pre-election period for the unitary and parish elections on 4 May 2017

1. This note provides general guidance for members and officers on the management of council business and publicity in the run-up to the unitary and parish elections on 4 May 2017. It supplements the council's Code of Conduct for Councillors and the Media Relations Protocol, included at Part 12 and Protocol 7 of the constitution respectively.
2. The starting point is section 2 of the Local Government Act 1986, which expressly prohibits local authority publicity of a party political nature. The council must not publish (or assist others to publish) material which, in whole or in part, appears to be designed to affect public support for a political party.

Publicity is defined in section 6(4) of the 1986 Act as 'any communication, in whatever form, addressed to the public at large or a section of the public.'

3. This is reinforced by paragraph 7 of the Council's Code of Conduct for Members which states:
"You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable local authority code of publicity made under the Local Government Act 1986."
4. The Code of Recommended Practice on Local Authority Publicity 2011 (included as Appendix 1 to the Council's Media Relations Protocol) sets out seven key principles local authorities should apply when making decisions on publicity. Publicity by local authorities should be:
 - Lawful
 - Cost effective
 - Objective

- Even-handed
- Appropriate
- Consistent with the council's equality and diversity responsibilities
- Issued with care during periods of heightened sensitivity

5. Paragraphs 33 - 35 of the 2011 code state:

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

35. In general local authorities should not issue any publicity which seeks to influence voters

6. The council's approach is consistent with this guidance, and particular care will be taken during the period of heightened sensitivity leading up to the unitary and parish elections on 4 May 2017.
7. **For these purposes the pre-election period (informally known as 'purdah') will run from 15 March 2017 through to the elections on 4 May 2017.**
8. Generally, with regard to decision making within the council the position remains that it is 'business as usual' unless there are very good reasons why this should not be the case. In most cases the pre-election period will have no impact on normal council business, including the determination of planning applications. Proposals or issues which may be controversial and likely to arise during the critical period should be identified and a common sense view taken in each case as to how the matter is to be handled. In cases where time is not critical it may be sensible to defer the matter until after the election. In other cases this will not be possible because of statutory, contractual or other constraints.
9. Councillors may also wish to note that the display of election campaign material on council land and property, including highway land, is not permitted and action will be taken to remove any offending material.
10. Further information and guidance on this subject is contained in the Local Government Association's publication 'Purdah - a short guide to publicity during the pre-election and pre-referendum period - April 2016' which may be found at: http://www.local.gov.uk/documents/10180/6869714/L15-91+Unpacking+Purdah_04.pdf/c80978b9-dc0b-4eee-9f81-49bd47afeb2d
11. Further advice may be obtained from:

Ian Gibbons, Associate Director, Legal and Governance / Monitoring Officer
(01225 713052 or e-mail ian.gibbons@wiltshire.gov.uk)

Robin Townsend, Associate Director, Corporate Function, Procurement and Programme Office (01225 713814 or email robin.townsend@wiltshire.gov.uk) And on the handling of publicity:

Laurie Bell, Associate Director, Communities and Communications

(01225 713618 or e-mail laurie.bell@wiltshire.gov.uk).