

AGENDA SUPPLEMENT (1)

Meeting: Cabinet

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 12 September 2023

Time: 10.00 am

The Agenda for the above meeting was published on 4 September 2023. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email committee@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5 **Public Participation and Questions from Councillors** *(Pages 3 - 14)*

Questions from the following Members of the Public and Councillors, together with responses:

- Melanie Boyle
- Julie May Wheeler
- Dr Jimmy Walker
- Cllr Richard Budden
- Colin Gale – Rushall Parish Council
- Margaret Willmot

DATE OF PUBLICATION: 11 September 2023
--

This page is intentionally left blank

Wiltshire Council

Cabinet

12 September 2023

Agenda Item 5 – Public Participation

Questions from Melanie Boyle

To Cllr Nick Botterill, Cabinet Member for Finance, Development Management, and Strategic Planning

Following the Local Plan papers from the July Cabinet meeting and a Freedom of Information response there seems to be some sites missing between the planned for proportion of housing numbers and the brownfield register.

Questions (23-72)

- a) When was the brownfield register last updated, the dates indicate 1.4.22 for a few lines so is it over the guidelines of an annual review?

Response

The register was last updated in February 2023. The next register is due to be published by 31 December 2023. The register is currently up to date in line with Regulations.

- b) Where do the 95 dwellings at the Old Ambulance site fit in to the Local Plan housing numbers for Chippenham as it does not appear to be on the brownfield list or planned builds?

Response

The tables in the draft Wiltshire Local Plan Review, as considered by Cabinet in July, include housing completed (1 April 2020 to 31 March 2022) and housing commitments at 1 April 2022, which include those sites with planning permissions or allocations in an adopted development plan that have not been completed.

The Ambulance site is currently the subject of a planning application for housing, should this be permitted it will feature in a future housing land supply statement and brownfield land register.

- c) At what stage should a site be taken off the brownfield list, Lidl in Hungerdown Lane and the 35 affordable houses were completed a few years ago but are still on the brownfield register?

Response

How the Brownfield Land Register is managed is set by criteria and standards set by Government. These indicate that sites that are built out should be retained on the register, but marked with an End Date to show that the site is no longer available for development.

- d) Going through the criteria for putting forward brownfield sites such as the waste land next to the Saddlers Mead car park owned by Wiltshire Council, how do we find out the plot size?

Response

There are free-to-use calculators and maps on the internet which allow site sizes to be measured.

- e) How can members of the public help if officers haven't got time to go through all the data?

Response

Members of the public can send sites to the Council for consideration in the Brownfield Land Register at any time. The Council will assess the site against the criteria in the regulations as part of its annual review process.

- f) Brownfield and windfall sites have been reduced from 585 to 200 for Chippenham, even though NPPF policy is brownfield first. With the 140 at the Old College, 95 at the Old Ambulance site, 25 at Avon Heights, Emery Gate and Bath Road One Plan residential plans, 17 above Borough Parade shops etc, at a glance we are already at over 260, in a climate emergency even 60 houses not on greenfield will make a difference. How do we get the number increased for brownfield to the standard calculation of 10% and decreased for greenfield?

Response

The numbers of 585 and 200 appear to be taken from the Planning for Chippenham document that formed part of the Agenda considered by July Cabinet. They do not relate to brownfield or windfall calculations but are numbers considered in setting a neighbourhood area requirement for Chippenham, as part of the draft Local Plan.

Representations can be made on the draft Local Plan once consultation starts later this month.

The sites listed are brownfield sites that may come forward for housing development or alternative uses. Any new housing permitted or allocated through a development plan will contribute towards housing land supply and help meet requirements at the town.

- g) Could other towns be in the same situation with planned builds missed off?

Response

In accordance with national policy and legislation, the Council assesses housing supply and updates its Brownfield Land Register as an annual process, and actively monitors delivery of sites from all sources.

Agenda Item 5 – Public Participation

Questions from Julie May Wheeler

To Cllr Nick Botterill, Cabinet Member for Finance, Development Management, and Strategic Planning

Questions (23-73)

In November the transition period of two years will come to an end and it will be a legal requirement that all future planning applications meet Biodiversity Net Gain. (Although I understand that smaller sites of less than one hectare encompassing up to 9 dwellings will have till April 24 before it becomes mandatory.) This will require significant resources and skills /expertise to implement.

Research coming out of Kent (Kent University Durrell Institute report S. Zu Ermgassen 'Evaluating the impact of biodiversity offsetting on native vegetation 2023) indicates that we do not have enough expertise and manpower for biodiversity gains to be secured on development sites.

Recent research by DEFRA (2020) reports that compliance with on-site mitigation measures is low and we need a suitable mechanism for long term management measures. It reports that BNG's have already led to a 34% reduction in green space. This is very worrying.

- a) So firstly, can I ask how many ecologists, who will be required to make the skilled, informed judgements needed, does WCC employ?
- b) Next, what financial resources for staffing and training are being put in place to ensure that the Local Authority can fulfil their responsibilities to hold developers to account, ensure that assessments for evidence bases are accurate, that plans are sufficient to lead to the required minimum of 10% net gain and that developments are monitored to ensure the delivery of BNG in perpetuity?

I understand that having a Local Nature Recovery Strategy and Green Infrastructure strategies in place will hopefully support yourselves as a Local Authority in developing a locally specific strategy. This will help determine what you require from Developers in order to ensure the right habitats are provided in the right place. It will enable a more holistic approach and help avoid fragmentation which just squeezes nature into smaller and smaller areas of higher density which will inevitably lead to a loss in biodiversity. We should after all be aiming to create biodiversity gain in line with the Lawton Principle 'more, bigger, better, more joined up.' (Government commissioned Lawton Review 2010)

- c) So finally I would ask who is undertaking the required mapping and planning, and at what stage of development is the Local Nature Recovery Strategy?

Response

- a) The council currently employs 9.72 FTE Ecologists and Environmental specialists. Of these 6.47 FTE are focussed on responding to ecological matters to development management consultations.
- b) The Ecology Team has undertaken in person training on BNG metrics and attend online workshops to keep up to date with the information being released by Defra. Wider training is planned for planning colleagues in September. The Council will be liaising with Developers through our website and wider engagement to ensure the right information has been submitted at the right time for planning applications.
- c) Wiltshire Council is the Responsible Authority of the Wiltshire and Swindon Local Nature Recovery Strategy. A Local Nature Recovery Strategy Officer is in post and progressing work at pace. The baseline mapping is complete and stakeholder engagement has commenced. There will be further updates on progress and consultation in due course.

Agenda Item 5 – Public Participation

Questions from Dr Jimmy Walker

To Cllr Caroline Thomas, Cabinet Member for Transport, Street Scene, and Flooding

Question (23-74)

I was wondering if you could provide us with some advice? I have just travelled past St Marks School (Salisbury) this morning and was delighted to see so many children and parents actively walking and cycling on their way to school. The Bishopdown, 20 mile per hour zone ends approximately 50 yards before St Marks Primary School.

As I was cycling past the school I was horrified to see a young man in his red hot hatchback travelling along the road at what looked like an inappropriate speed (for the time and place) past the school children and parents. Some parents were very displeased at his inappropriate speed where young and vulnerable children were present. He was then stationary at the bottom of St. Marks Road at the roundabout in a queue of cars.

When I asked him if was aware of the young children that were walking along the road, (it is not that long ago that we had a fatality involving a young child in London Road - something which no parent should have to go through) some of whom would have had to cross the road. He responded that it was 30mph limit, he was not speeding as he was only doing 32mph (is this considered to be breaking the speed limit?) and that he was within rights to travel at that speed. Where we have a situation where the speed limit on the road outside St Marks Primary school is 30mph then the danger to the children is increased as injuries sustained from drivers travelling at 30mph are significantly greater than those at 20mph.

- a) What advice could you provide to us as residents, parents and grandparents on how we can safeguard our children travelling to and from the school from those drivers who, whilst not breaking(?) are travelling too fast for the environment outside St Marks primary school?
- b) What can you do to improve the long term safety of the children travelling to and from school?
- c) What traffic monitoring equipment does WC have outside the school?
- d) When are WC going extend the 20mph zone in the streets around St Marks primary school to improve road safety (the data from Salisbury city centre clearly demonstrated that road traffic accidents were reduced after the introduction of the 20mph)?
- e) Can speed humps be provided outside the school and along Bishopdown Road to the round about?

Response

- a) Drivers should adapt their behaviour to the prevailing circumstances, this includes moderating their speed. Concerns around individual driver behaviour should be reported to the Police for further action. In terms of practical advice, we would expect

parents/carers of young children (especially under 5s) to have them under direct control at all times whilst on or near the roads – holding hands or using a buggy or child restraint/reins as appropriate. Primary-aged children should also be closely supervised, and we recommend always holding hands with parent/carer at our Key Stage 1 (infant) pedestrian training sessions.

- b) The Council's Road Safety Team are able to offer both Walksafe and Bikeability training to pupils. St Marks School does have a School Travel Plan STP (albeit last updated in 2016) and through this there is an opportunity for the school to bid for funding to improve infrastructure around the campus to makes journeys safer.
- c) None
- d) & e) The first thing the Council seeks to do when concerns about safety and speeding are raised is to undertake a traffic survey. A traffic survey records the volume and speed of traffic using a road. The results of this survey will help to determine if speeding is creating a highway safety problem and what, if any, measures would be appropriate to deal with the problems identified.

No requests to extend the Bishopdown 20mph to cover the school or for traffic calming measures on St Marks Road have been received. Requests for traffic surveys and infrastructure changes can be addressed through the Salisbury Local Highways & Footway Improvement Group.

Agenda Item 5 – Public Participation

Question from Cllr Richard Budden, Tisbury Division

To Cllr Ian Blair-Pilling, Cabinet Member for Public Health, Leisure, Libraries, FM, and Operational Assets

Preamble

In recent days news media have been full of reports of the risks posed by RAAC (Reinforced autoclaved aerated concrete) used in schools and public buildings throughout the UK.

There has been no statement that I can find by Wiltshire Council regarding the use of RAAC in buildings that belong to Wiltshire Council or other public buildings in the County.

In order to provide reassurance to residents and members of the general that it is discharging its duty of care, it is appropriate for Wiltshire Council to publish a clear statement of its investigations into the use of RAAC in the County, to list any buildings that are known to incorporate RAAC and to provide a plan of how and when RAAC components will be replaced or rebuilt.

Question (23-75)

What investigations and/or surveys have been carried out into the use of RAAC on buildings belonging to Wiltshire Council and/or elsewhere in the County, what are the results of those investigations, and what plans does the Council have for rebuilding to eliminate the risk to public safety that RAAC represents?

Response

Following the request earlier in 2023 from the DfE for information on RAAC and the schools estate, the council developed a “Plan for the Identification and the Management of RAAC in the WC estate” to establish the presence of the material and likely risks, and be clear about plans to manage it if present. The review of the schools estate (where we are the responsible body¹ – Community, Voluntary Controlled, and Foundation schools) to date has not identified any RAAC.

The same review process is now underway for the wider estate of public buildings for which the council is responsible.

RAAC was used during a specific period of time for specific applications/purposes. Therefore, through knowledge of the construction dates of the property and extensions, and reviewing the condition surveys we are able to establish whether there is a risk of RAAC being present in a building. Where there is any doubt, a building is specifically inspected and surveyed.

We have not identified any RAAC in the estate to date but continue with our due diligence to ensure full assurance.

¹ The Council is not the responsible body for Voluntary Aided Schools or Academies. The DFE have been liaising directly with these organisations regarding RAAC. To date there has not been any identified RAAC in these schools

In the event of RAAC being identified, the council would develop a plan for the ongoing monitoring and management of the building. The range of measures would include regular inspection, maintenance, and if necessary remediation in the form of removal and replacement.

Agenda Item 5 – Public Participation

Question from Colin Gale, Rushall Parish Council

To Cllr Caroline Thomas, Cabinet Member for Transport, Street Scene, and Flooding

At the Cabinet Meeting on 11th July I identified Rushall Parish Councils concerns over the collapsing status of the Unilog bank retention.

In response to my supplementary questions I received the response on 2nd August that WC Highways were considering a number of options from localised repair to complete replacement.

In the relatively short period since the WC latest response a large further section of bank retention has collapsed and the other sections where the retention has gone the size of the hole in the retention has increased.

It is clearly no longer feasible for any form of localised repair to be implemented as the unilog is totally rotten.

At the current rate of deterioration it will not be long before the bank has fallen across the footpath.

Question (23-76)

Please can WC Highways provide a timeline for remedial works to be carried out to avoid danger to the public?

Response

Commencement of the scheme is dependent on the delivery of materials, based on information provided by our contractor works to replace the “Unilog” Wall should be undertaken during the middle of October 2023.

Background to question above provided by questioner:



In April this year I reported to the Area Manager Highways North that the footway Unilog bank retention in Rushall was rotten with retention stakes falling out and the bank was in danger of collapsing. I subsequently provided pictures of the failed bank retention. The initial response by the Area Manager was that he would arrange for the highways contractor to inspect the bank retention and provide a repair scheme with costings. Several contractors subsequently visited the site and reported that the complete section of bank retention was beyond repair and the whole length of bank retention required

replacing. It should be noted that each time a contractor visited the site more logs appeared on the bank where they had been dislodged by the inspection.

This stretch of footway links pedestrians to the Rushall Forest School, North Newnton and the River Avon Public Footpath and is in regular use.

In June I chased a response from the Highways Manager and received the following from the Highways Engineer:

“As you are aware we have had several contractors look at the Unilog fencing, with the intention to repair the damaged section of timber. Regrettably, this is something that will not be feasible and the complete length of Unilog fencing would need to be replaced. On inspection the bank is currently stable behind the Unilog and the missing section. Therefore, to fully replace the Unilog fence would not be a priority.

We are currently focusing on our statutory duties rather than discretionary works. We will continue to monitor the condition of the Unilog and the bank behind.”

Questions:

23-65 I have looked at the Wiltshire Council Highways Inspection Manual which does cover this kind of footway defect under the ‘Description – Footway obstructions or defects that present danger to the public’. Clearly the impending collapse of the bank in the areas where there is no retention presents an early danger to the public. The Inspection Manual categorises this defect as a ‘Priority 1’ therefore I cannot understand on what basis the Highways Engineer has not given the work any level of priority. Please can WC advise the priority and timescale for this bank retention to be replaced noting that as soon as a wet period arrives land slippage is likely to occur?

Response:

The Wiltshire Highways Inspection Manual sets out the intervention levels that we work to when responding to defects within the highway. Page 13 and Page 26 of this document provide the most relevant defect type, classed as obstructions. The failed section of wall has been cleared from the footway so the obstruction has been removed, alleviating the hazard.

Supplemental Question:

The response has not answered my question and has focused on the potential impending obstruction when the bank collapses. The current defect of large sections of bank retention being missing presents a danger to the public and consequently is a significant hazard should the bank collapse. This defect and the danger to the public is classified as a Priority 1 as the hazard of the bank collapsing and hitting a pedestrian is real. Based on the assigned priority I do not believe it unreasonable to request a timescale for the bank retention to be replaced?

I believe that Wiltshire Council have a statutory duty to maintain the roads and footways, please can you advise what is discretionary about this requirement?

Response:

As the Highway Authority Wiltshire Council does have a statutory duty to maintain the public highway.

With regards to the unilog retaining structure, its condition has deteriorated, however, as stated within the Area Highways Managers correspondence the bank is currently stable but will be monitored for any movement.

While there is no immediate work planned, further options are being considered on how to remedy the problem.

Supplemental Question:

I am pleased to hear that Wiltshire Council agree that it is a statutory duty to maintain the public highway and that this issue is not a discretionary item as stated by the Area Highways Manager.

The banks stability is partly dependant on no more unilog stakes falling out which is not a stable situation partly due to the heavy freight traffic that comes through the village and the associated vibration. As stated in the background several contractors have viewed the unilog structure and concluded there was not a bandage solution as the whole section was rotten and passed any form of temporary bodge-up. Please advise what options are being considered which are a permanent solution?

Response:

We are currently considering various options to remedy this situation from localised repair to complete replacement

Agenda Item 5 – Public Participation

Question from Margaret Willmot

**To Cllr Nick Botterill, Cabinet Member for Finance, Development Management,
and Strategic Planning**

Question (23-77)

There are a number of documents referred to in the draft Local Plan 2020-2038 which have not yet been finalised, including the Air Quality Action Plan (referenced in Policy 101, Air Quality) and the LCWIP and components of the LTP (both referenced in Policy 73, Transport Demand Management). The Plan is likely to be deemed unsound if it relies on documents which are not yet finalised. Are there plans to finalise and publish the documents referred to in the Local Plan before the start of the consultation period (27/9/2023)?

Response

The determination of whether (or not) the draft Local Plan is sound will be the responsibility of an appointed Planning Inspector through the examination process. Once the draft Local Plan reaches the examination stage the documents referred to will have been sufficiently advanced and will help support the implementation of the Local Plan once adopted