

# AGENDA SUPPLEMENT (3)

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**Meeting:** Cabinet  
**Place:** Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 9 February 2016  
**Time:** 9.30 am

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**The Agenda for the above meeting was published on 1 February 2016. Additional documents are now available and are attached to this Agenda Supplement.**

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This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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6 **Public participation and Questions from Councillors (Pages 3 - 12)**

- Responses to questions from Richard Hames
- Responses to questions from Ian James

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**Wiltshire Council**

**Cabinet**

**9 February 2016**

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## **Public Participation – Chippenham Sites DPD**

### **Question from Mr Richard Hames**

Answers should be considered in the context of the Council's position regarding the ongoing Examination as promulgated through the Cabinet meeting, 15th December 2015 as noted below:

Cabinet: 15 December 2015

#### *Council Position Statement:*

*The Examination in relation to the Chippenham Site Allocations Plan is still open. The proceedings have been suspended by the Inspector, not closed. The Council has been asked to do further work by the inspector. Whilst this work is being undertaken, the Council will not be responding to communications relating to the evidence before the Inspector as in the interests of fairness and openness such an exchange should be considered through the examination process and therefore managed by the Inspector.*

1. Could you please confirm that the council agrees with the flood analysis provided by the environmental agency at the September public meeting and at the inquiry in November.

#### **Response:**

*This is a question relating to evidence before the inspector and subject to further consideration and therefore it is inappropriate for the Council to comment at this time apart from confirming that the Council will always use the up to date evidence from the Environment Agency.*

2. If there were brown field sites which could have say 400 homes built on them would you please confirm that they would be taken into consideration in the required number of houses of not less than 1935. So if brown field sites for 400 homes were found the number of houses needed would fall to not less than 1535.

#### **Response:**

*This is a question relating to evidence before the inspector and subject to further consideration and therefore it is inappropriate for the Council to comment at this time.*

3. A number of sites have recently received planning permission for houses to be built on in adjacent towns in the North & West HMA as Chippenham was

not able to meet its 5.25 year plan, for example Calne and Corsham. Will the number of not less than 1935 be reduced accordingly.

**Response:**

*The Chippenham Site Allocations Plan will need to be in conformity with the Core Strategy including Core Policy 10 that sets out the housing requirement for the Town*

4. It seems very unreasonable that the public have until I think 11th February to respond on the request to build 700 houses in area B and 1500 houses in area C. Would it not make more sense for this decision to be delayed until the council has produced its report later this year and consultation has been received from the public.

**Response:**

*The consultation period for making comments on these applications ends on 11 February 2016. Once the consultation period has concluded the Council can proceed to determine the planning application. To ensure comments are taken in to account it is important to submit comments before the statutory deadline. However, should representations be received after this date and no decision has been made, they will be taken into consideration by the Council.*

*If valid applications are submitted to the Council then we, as Local Planning Authority, have a statutory duty to process those applications within a specified time frame as you recognise in your next question. Any failure could result in an appeal against the Council for non-determination.*

5. The council has to comply with the timetable laid down by central government in deciding whether to grant planning consent to Chippenham 2020s application for 1500 houses in area C.

If the council decides to grant consent for building on land to the east of Chippenham prior to the inspectors decision at the end of 2016, would the council confirm that in such a case they will refuse to sell land owned by them to C2020 unless the inspector has given his findings and has confirmed development may take place on such land.

If the council fail to give such an undertaking the council is effectively bypassing the inspector so that it can sell its own land for profit and is abusing its position as both landowner and issuer of planning consent. This cannot be correct. The council can not allow building on its own land unless the inspector agrees that it should be part of the Chippenham site allocation

**Response:**

*This is a hypothetical question as to something that may or may not occur in the future based on a decision by the Council as Local Planning Authority which must base its decision on planning grounds only. The Council's land ownership is not a material planning consideration and therefore would have no part in any such decision. Any decision by the Council as landowner after*

*that occurrence would be taken having regard to all of the relevant facts at that time.*

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**Public Participation**

**Question from Mr Ian James, Bremhill Parish Councillor**

**Question to Councillor John Thomson, Cabinet member for Communities, Campuses, Area Boards and Broadband**

Please can the Cabinet member inform Council when those in the rural areas of Wiltshire will receive an acceptable broadband speed.

At the present time there are those in rural areas receiving just .2mbps when BT Open Reach has suggested that the minimum of 4 - 6 mgbps should be available.

It appears that those within 700 metres of a cabinet can have 30mgps, but the further you are away from the cabinet the performance drops off as the connection is still copper.

This poor performance is hampering those businesses working from home, as many as 50% of households in the rural community work from home, and farmers are especially disadvantaged, many are having to deal with DEFRA after midnight to get their work done.

This is of particular concern to those living in the rural parts of Bremhill parish, I am sure this is also of concern to many others living in other rural parishes.

Please will the cabinet member assure Council that every effort is being made to support the rural economy, and what timeframe can users expect 4-6mgbps across all of the county?

**Response**

In 2013, using Central Government's framework contract, we signed our Phase 1 contract with BT to improve access to Superfast (over 24 Mbps - megabits per second) broadband. We signed a second contract with BT for a second Phase in 2015. The total investment for Contract 1 is over £30m with £15.5m from Wiltshire Council, £4.6m BDUK (Central Government's Broadband Delivery UK programme) and £10.8m from BT. Contract 2 investment includes an additional £2.46 million coming from BDUK, £0.5 million from Wiltshire Council and £0.9 million from BT.

Reviewing our build plans for both Phase 1 and Phase 2 we will reach over 80,000 premises with a fibre service and well over 70,000 of those will have a Superfast

service. This is a significant achievement, as without our investment approximately 40% of all premises across Wiltshire would not be picked up commercially.

### **How we planned our roll out**

Firstly we are restricted to roll-out into a pre-defined Intervention Area. The European Commission requires that local authorities can only use public money to invest in this industry sector in areas where the industry demonstrates there is no current, or planned (within the next three years) deployment of either standard or superfast broadband. At the beginning of our project we completed an Open Market Review which gave commercial companies the opportunity to provide their current and planned footprint, the outcome of this review therefore established our intervention area (the area where there is no current or planned activity). Both Phase 1 and Phase 2 of the project are limited to the intervention area which is a legal requirement of the European Commission's State Aid rules.

Broadband is important to everyone; home workers, micro businesses, schools, businesses as well as families and isolated communities. The lack of commercial coverage has caused broadband 'not spots', but these not spots sit not only within our most rural areas but also small pockets of premises within our larger villages and towns. Rather than prioritise type of premise or location Wiltshire Council's strategic decision is to deliver fibre broadband to the greatest number of premises for the budget available. To achieve this the roll-out, design is based on a combination of several factors such as existing infrastructure, speeds already received, number of premises in the area and distance of premises away from the infrastructure. Other roll-out designs were considered such as prioritising specific communities or the most rural areas but the roll-out becomes less efficient and more costly and ultimately reduces the number of premises we can provide a service to within the available budget.

### **The technology we are deploying**

The solution we deploy as part of this contract is FTTC (Fibre to the Cabinet). To provide an FTTC solution we build a new fibre cabinet next to the existing copper cabinet (within a 50m radius) and then connect them. The user then receives a fibre broadband service via a fibre line from the exchange to the fibre cabinet, and then from the copper cabinet it continues along the existing copper lines to each premise. The length of the copper line from the cabinets to the premise can be detrimental to speeds even when attached to the fibre cabinet. We can also pick up EO Lines (exchange only line that run directly from a telephone exchange to the premise) by installing two new cabinets, a fibre cabinet and a new copper cabinet as described above.

The FTTC technology can provide speeds of up to 80 Mbps and allows premises to be connected to the fibre network that will undoubtedly bring further benefits as the technology develops. We are aware that not every premise attached to a fibre enabled CAB is receiving superfast speeds, they are not reported as receiving superfast speeds and we continue to explore further opportunities for these premises.



As a result of the Wiltshire Online programme the number of premises with a fibre broadband service is significantly increased, 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'.

### **What are our commitments / obligations and timescales**

Currently Wiltshire Council's obligation is to deliver the Phase 1 and Phase 2 contracts effectively. Phase 1 will be complete by end March 2016 and Phase 2 will be complete by the end of 2017.

Previously, Central Government made a commitment (Universal Service Commitment) to provide access to a minimum speed of 2Mbps and we have just launched the scheme to fulfil locally the Government's Universal Service Commitment (USC). The USC is a voucher scheme. The voucher essentially offsets the cost of installing a satellite solution in order to increase speeds to the minimum of 2Mbps. The information and application form is on our website [here](#). The scheme will run until the end of 2017.

Central Government also announced their aspiration for a Universal Service Obligation of a 10Mbps service available to every premise by 2020. As yet further detail on where the obligation sits and how it will be funded has not been released.

Any comments from BT about a minimal service of 6/7 Mbps is outside of the scope of our specific contract of delivery and does not relate to any central or local government obligation or commitment.

### **Performance and assurance of the contract delivery**

Currently Phase 1 delivery is on schedule and the take up of the service has exceeded expectations. In order to drill down the government funding the Project Team's execution of the assurance and payment process and overall contract management are reviewed and assured by central government who then report directly to the Wiltshire Council Programme Board. Following the last review the Programme Board received this report: *'The BDUK Broadband Projects Assurance Board reviewed progress to date at Wiltshire on 8 October 2015 and agreed that since the last Checkpoint D review there was still a very high level of confidence that the required level of contract management has been in place, concrete evidence of sustained assurance activity, and excellent levels of knowledge and compliance with contractual mechanisms. The Assurance Board congratulated Wiltshire on very good progress'*

### **The future of broadband in Wiltshire**

Wiltshire Council is committed to extending our superfast broadband footprint and we continue to explore further funding 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 2016. We also continue to support our local MPs with regards to the pursuit of additional funding for a Phase 3, supporting

the provision of fibre broadband in new build homes and cutting the red tape for those communities looking to embark on community led broadband projects.

**Question to Councillor Toby Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste**

On 15th December 2015 in response to question 13 his response was wrong. Please will he clarify the exact content of paragraph 3.4 of the Scott Wilson Report on Ground Water Flooding of November 2011 for land to the east of Chippenham, known as Area C1 & 2.

I refer to the last paragraph of his answer which uses the word "prior" to the consideration of development proposals.

The correct statement from para 3.4 reads "It is not sufficient to rely on the work undertaken by developers through the planning application process, unless long term monitoring (several years) is one of the conditions when granting planning permission"

Does he agree that this is the correct statement from para 3.4?

**Response:**

The extract provided in the response to Question 13 to Cabinet on 15 December 2015, correctly referred to wording within Paragraph 3.4 (which comprises three paragraphs - the middle paragraph is the one referred to in this and Mr James' previous Question).

The extract quoted by Mr James above, forms the first part of the 'paragraph', and the extract quoted within the Council's response forms the final part. The response provided in relation to Question 13 focuses on the advice that has arisen in response to the observations made in the first part. For completeness the full paragraph is provided below:

"It is not sufficient to rely on the work undertaken by developers through the planning application process, unless long term monitoring (several years) is one of the conditions when granting planning permission. Groundwater levels are often only monitored once, or, at most, for a number of weeks. It would be advisable for the Council, in combination with the Environment Agency, to begin long term monitoring of the Cornbrash Formation, Kellaways Sand Member and superficial aquifer groundwater levels. This data would also be useful for understanding groundwater / surface water interactions, which is important when considering the design of fluvial flood defences."

(Paragraph 3.4 'Importance of Long Term Groundwater Level Monitoring', Appendix C Chippenham Surface Water Management Plan, Scott Wilson - Surface Water Management Plan, November 2011)

However, in the Council's response there are two typo errors. There should not be a quotation mark at the end of the response and the reference to Question 5 should have read Question 11.

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**Admin Note: question 13 to Cabinet on 15 December 2015 as referred to above for ease of reference as follows:**

*Is it true that the Scott Wilson ground water flooding report for the River Avon and Marden stated that the Council should not rely on a developer's report, but should undertake several years of hydrological testing during any planning stage?*

**Response:**

*As part of work commissioned for a Surface Water Management Plan, Scott Wilson prepared an intermediate assessment of ground water flood susceptibility. It states that a developer's survey of groundwater levels could usefully be supplemented by longer term monitoring. It says:*

*"It would be advisable for the Council, in combination with the Environment Agency, to begin long term monitoring of the Cornbrash Formation, Kellaways Sand Member and superficial aquifer groundwater levels. This data would also be useful for understanding groundwater / surface water interactions, which is important when considering the design of fluvial flood defences." (para 3.4 An Intermediate assessment of ground water flood susceptibility, Scott Wilson, November 2011)*

*Scott Wilson's finalised advice does not suggest a requirement for several years hydrological study being required prior to the consideration of development proposals. (See question 5). The Environment Agency do not consider there is an enhanced risk in Chippenham due to ground water flooding."*

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