

AGENDA SUPPLEMENT (1)

Meeting: Cabinet

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 24 March 2020

Time: 10.00 am

The Agenda for the above meeting was published on 16 March 2020. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@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 - 16)**

Questions from:

- Colin Gale
- Anne Henshaw

10 **Service Devolution & Asset Transfer Package - Bradford on Avon (Pages 17 - 18)**

To receive an update and additional recommendation on the Service Devolution and Asset Transfer – Bradford-on-Avon report.

13 **Chippenham Housing Infrastructure Fund Bid (Pages 19 - 56)**

Statements and Questions from:

- Cllr Nick Murry
- Adrian Temple-Brown
- Andrew Nicolson
- Chris Caswill
- Helen Stuckey
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- Lucy Ranson
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- Isabel McCord
- Ian James
- Mel Moden

DATE OF PUBLICATION: 23 March 2020

Wiltshire Council

Cabinet

24 March 2020

Question from Colin Gale on behalf of the Pewsey Community Area Partnership (PCAP). Pewsey Parish Council (PPC) and the Campaign to Protect Rural England (CPRE) collectively known as “The Group” about Wiltshire Council Public Consultations

Agenda Item 5 – Public Participation

To Councillor Allison Bucknell Cabinet Member for Communications, Communities, Leisure and Libraries

Introduction

Ever since Wiltshire Council attempted to include a report on the closure of the Everleigh HRC at a Cabinet meeting in September 2015 without public consultation (a proposal swiftly withdrawn in the face of public and local Councillor outrage) the Group has concerned itself with Everleigh in particular, and subsequently with the Council’s ongoing and unfortunate approach to public consultations in general. Its inability to carry out public consultations properly within not only the requirements but, just as importantly, the spirit of the law, has been demonstrably compounded recently by the Council’s evident unwillingness for the public to become involved in any form of discussion as to how the Council’s public consultation process and accompanying engagement with the public itself, could be improved.

The Group has monitored the Council’s performance on some of the public consultations for the last four years and PCAP, on its behalf, now wishes to pose the following Questions to Cabinet.

Question 1

Does Cabinet realise what it has done? The whole consultation review was initiated due to the public’s dissatisfaction with the consultation process, and how the public’s views are taken into account. You have now completed your review of the Public

Consultations Task Group (PCTG) Final Report and endorsed a report that ignored any public input. Does Cabinet agree with this statement?

Response

The Public Consultations Task Group was established for a number of reasons; partly as a result of Cabinet's consideration of the detail from the public consultation on the future of Everleigh Household HRC, yet also, to examine the number, purpose and method of public consultations taking place in Wiltshire.

The nature and purpose of Overview and Scrutiny (as defined by the [Localism Act 2011](#)) means that the Cabinet should not dictate the evidence that a scrutiny review should consider in its work. However, it is noted that both the Public Consultations Task Group and Overview and Scrutiny Management Committee were satisfied with the Task Group's review and subsequently endorsed the Group's final report and recommendations.

For information, the Task Group's members used their experience of council public consultations and responses, as well as the significant correspondence that they have received from residents on the matter over a number of years. The Task Group also had evidence from experienced officers, versed in both the legal and practical requirements of effective consultation, as well as using lessons learned from cases involving other authorities and failures in their consultations.

This was considered to be sufficient evidence of the public's perception and experience on this matter. It is concluded that engagement with Wiltshire residents as a whole on the specific matter of consultations would, unlike issues of particular local concern, be unlikely to attract enough response to provide reliable evidence.

Cabinet's role is to formally respond to the recommendations that have been put forward by Overview and Scrutiny.

Question 2

Would Cabinet agree that there is room for input by the public [noted as the **Silent Majority** by the Overview & Scrutiny Management Committee (OSMC) at its meeting on 3rd December 2019] into how public consultations are handled, bearing in mind that the "public" bear the cost of these consultations via Council Tax, and eventually, invariably are the individuals most affected by any decision the Council may take?

Response

As noted in the 'Executive Response to the Public Consultations Task Group' received by Overview and Scrutiny Management Committee on [3 December 2019](#), future consultation exercises will consider how those in favour of the proposal can

easily indicate this preference, rather than requiring a respondent to complete the entire consultation.

When required to consult, the Council will seek to consult with all those who will, or who may be, affected by a decision. Depending on the circumstances, the Council recognises that it may not be sufficient just to consult existing service users and will consider the full range of people, business and voluntary bodies potentially affected by a decision, and whether appropriate representative groups exist.

The Council feels that this new approach will ensure that the public have the appropriate opportunity to comment on how specific decisions under consideration may affect them.

Question 3

Would Cabinet agree that, in the light of the Group's Review of the PCGT Final Report dated 23rd October 2019 as presented by PCAP to the OSMC meeting on 3rd December 2019, the time has now come for Cabinet to set up its own inquiry into its public consultation failings?

PCAP proposes to conclude this Statement and Questions at this point, because the time available for public participation is insufficient for a verbal explanation of the reasoning behind them. The reasoning is, however, contained in the background information supplied below, which forms an integral part of the Group's submission, and should be regarded by all Cabinet members as such.

Response

There are no plans for Cabinet to set up its own review into public consultations in Wiltshire. The recommendations from the Public Consultations Task Group put forward to the Cabinet are in the process of being implemented and Overview and Scrutiny Management Committee has requested that a report be provided in 12 months' time, which will be publicly available and will provide a progress update with how each of the accepted recommendations has been implemented.

Background

With regard to Everleigh, after PCAP's solicitors advised that to rely on a badly flawed consultation held by the Council in January 2016 would be unlawful, and PCAP subsequently informed the Council to that effect in a letter dated 20th February 2017, the Council deferred any further action concerning the site until it held a second public consultation between June and September 2018. The terms of this consultation were considered controversial by the Group, but legal advice taken by PCAP concluded that, although the consultation was "flawed", it was unlikely, in the prevailing judicial climate, that a Court would declare it unlawful. Legal discussion was therefore discontinued, although it was perceived by most observers among the public affected, that the Council had every intention of closing the site, regardless of the outcome of the consultation, which would have been contrary to the rules established by the Supreme Court. The legal comment obtained on the flaws in the second Everleigh consultation was, however, passed to the Council by PCAP, in a letter dated 20th November 2018, addressed to the Cabinet Member for Waste, but little heed appears to have been taken of this subsequently. The Group also made numerous representations as to why the site should not be closed, but at a Cabinet Meeting held on 9th October 2018, a unanimous decision was taken to that effect, and the site was closed in November 2018. The fact that 94% of those who responded to the consultation wished to keep the site open was discounted by the Council, as was the fact that the response was probably one of the largest it had ever received in respect of a local issue. This was due entirely to the efforts of local parishes, groups and individuals, for which the Council can take no credit.

It was noted, however, that the then leader of the Council, Baroness Scott, had concerns at the way the Council had handled the Everleigh 2018 consultation, and at the Cabinet meeting on 9th October 2018, the Group was encouraged by her direction to the Chairman of the Overview & Scrutiny Management Committee (OSMC) to carry out a review of the manner in which the Council carries out public consultations generally, and to report on how improvements could be made, to which the Chairman of the OSMC agreed. A Public Consultations Task Group (PCTG) was set up by the OSMC in January 2019. On ascertaining this, the Group, drawing on its long association with the Everleigh saga, in February 2019 submitted a Memorandum to the Chairman of the PCTG, offering comment on the prevailing situation and specific suggestions as to how the consultation process and engagement with the public could be improved.

No acknowledgment was received, and the fact that the Memorandum had not been circulated to the members of the PCTG was acknowledged by the Response to Question 3 of Agenda Item 5 for the Cabinet Meeting held on 19th November 2019 in the following terms:

“Unfortunately, the Task Group did not receive the Memorandum sent to the Chairman. However, if this could be circulated again and to officers, this will be circulated to all Task Group members.”

No explanation as to why the Memorandum was not circulated originally has been forthcoming, and although it was re-submitted by PCAP as suggested, there has never been any response to the proposals it contained, presumably because the PCTG had submitted its Final Report already and anyway, had no interest in input from the public, whether unfortunately belated or not.

The PCTG published its Final Report in September 2019., and it appeared as Item 7 on the Agenda for an OSMC meeting on 24th September 2019. It was carefully scrutinised by the Group, which came to the conclusion that the Report was seriously deficient, primarily on the grounds that the PCTG had failed largely to carry out its remit, with too many issues addressed only superficially, and with some not addressed at all, while responsibility for any improvement in the public consultation process seemed to have been devolved to the Cabinet Member for Communications, Communities, Leisure and Libraries. Such recommendations as were made appeared to be largely dependent on the eventual establishment of the Council's Business Hub. Given that the issue of improvement to public consultations had been raised originally at Cabinet level, the Group therefore responded with a highly critical Review dated 23rd October 2019, which was attached to a Statement (with accompanying Questions) and Request to Cabinet submitted by PCAP to a Cabinet meeting held on 19th November 2019. Written Responses to the Questions were provided, as a result of which there was no discussion of the material submitted by the Group, and it appeared that Cabinet considered the matter should be dealt with by the OSMC. At the time of submission to Cabinet, PCAP also sent a copy of the Group's Review to the Chairman of the PCTG, and requested the Cabinet Democratic Services Officer to distribute it to all Cabinet Members, with a further request that the Senior Scrutiny Officer listed as the author of the Report should distribute a copy of the Review to all OSMC members. The material submitted to Cabinet by the Group in November was listed as information at Agenda Item No 6 (PCGT Final Report) for an OSMC meeting held on 3rd December, and included the written Responses to Questions previously put to Cabinet. The Minutes perfunctorily record only some three of the criticisms of the Final Report made by PCAP on behalf of the Group, but they are simply recorded as flat statements, and there is no record of them being debated by the OSMC or accepted or rejected.

In the interim, the written Responses obtained from Cabinet were regarded generally as unsatisfactory by the Group, and accordingly responded to in a Statement, Questions and Invitation to Comment put by PCAP to the OSMC meeting held on 3rd December 2019. The Statement was published as part of the

information for the meeting, but no discussion thereof was minuted as such, and to date, no response has been received to the invitation to comment.

The unfortunate conclusion that the Group is obliged to come to in the above scenario, is that the Council is unconcerned as to what views its Council Tax payers may hold on this important subject, identified by the PCTG as a problem area for the Council in its Final Report. This is not acceptable, on an issue of this significance. It would seem that the Council is unaware of the way in which it has lost touch with its electorate, particularly in this instance. Apart from the general concerns about public consultations that arose from the Everleigh situation, the Group suggests that other consultation cases give cause for specific concern, for example:

The way in which another significant majority vote was discounted by the Council, when it was decided to concentrate the Special Needs school facilities on a single site at Rowdeford, resulting in the eventual closure of two current facilities in Wiltshire. The public consultation vote was 76% against this measure. One of the suggestions put forward in the Group's Memorandum of February 2019 to the PCTG was that the decision on any public consultation result of 75% or more that resulted in conflict with a Council proposal, should be taken by Full Council and not by Cabinet. It is unacceptable that there was no response to this suggestion, or any of the other proposals put forward.

The Group also has concerns that the Council's recent and successful bid for £75.0M from the Housing Infrastructure Fund for access roads to the East and South of Chippenham, may not have complied with the Public Law Duty to Consult, inasmuch as there was no public consultation beforehand. At this point, the Group believes it is relevant to refer to Agenda Item 6 of the OSMC meeting held on 3rd December 2019, which covered the Executive Response to the Final Report of the PCTG. The first (edited) response listed reads as follows:

"Recommendation: During OSMC's debate on the final report on 24th September 2019, the Committee asked the Cabinet Member to provide detail in her Executive Response about how the silent majority is considered when the Council undertakes public consultations. The Reason for the Recommendation was that the Committee felt that it was important for the scrutiny review to address how the silent majority is catered for in public consultations, to which Cllr Bucknell provided the following Executive Response:

'Consideration will be given in future consultations to enable those in favour of the proposal to easily indicate this, rather than having to complete the entire consultation.

When required to consult the Council will seek to consult with all those who will, or who may be, affected by a decision. Depending on the circumstances, we recognise that it may not be sufficient just to consult existing service users and will consider the full range of people, business and voluntary bodies potentially affected by a decision, and whether appropriate representative groups exist.'

At this point, the Group notes the obvious disingenuity of the first sentence of the Executive Response, given that public consultations are usually all about depriving the public of some kind of benefit or facility, but refrains from further comment at this point. With regard to the

second paragraph of the reply, it would seem clear that its terms have not been complied with regard to the issues surrounding the Chippenham access roads.

Other public consultations that have given rise to concern include:

The Parking Fees public consultation in 2017, which attracted comment from, among others, the Wiltshire Gazette & Herald in its 9th November 2017 edition with a front page headline "Parking fees fury" followed by comment about the lack of publicity for the public consultation thereon. It should be noted that there was significant criticism from the Chairman of an Environment Select Meeting held in 2017 that the questions asked were not neutral, which brought the validity of the consultation into question.

The Waste and Recycling Strategy public consultation that also took place in 2017, where it is known that once again, that there were concerns about the lack of publicity, the issue being raised at at least one Area Board (Pewsey), and again at Cabinet and in the local Press by individual residents.

In the light of the foregoing, the Group has to come to the conclusion that all remains far from satisfactory, not only as far as the Council's public consultation procedures are concerned, but also its relationship with the public. The situation can be summarised, perhaps, in two sentences, both of which relate to the PCTG and its Final Report.

"Filling out consultations, I have been left with the feeling Wiltshire Council was trying to fix it so the public were not properly involved". *

*(The Wiltshire Councillor for Salisbury, Fisherton and Bemerton, and a member of the OSMC and PCTG, as quoted in the Gazette & Herald on 29th September 2019, shortly after the publication of the PCTG Final Report)

“ The unfortunate, but clear impression has been given that the Council had no interest in any form of engagement with the public as to how consultations might be improved, and an opportunity that might have indicated some willingness on the part of the Council to start re-building some confidence in the consultation process, has been lost.” **

** (Final sentence of PCAP’s submission on behalf of the Group to the OSMC meeting held on 3rd December 2019)

Question from Anne Henshaw on behalf of the Campaign to Protect Rural England (CPRE)

Agenda Item 5 – Public Participation

To Councillor Richard Clewer – Deputy Leader of the Council and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration

Councillor Bridget Wayman – Cabinet Member for Highways, Transport and Waste

Councillor Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Investment

1. In view of Wiltshire Council's declaration of a climate emergency just over a year ago and its pledge to make Wiltshire carbon neutral by 2030

Question 1

Does the Council have a strategy to meet this target and if so, where may it be seen?

Response

In February 2019 Wiltshire Council resolved to acknowledge the climate emergency and to seek to make the county of Wiltshire carbon neutral by 2030. Wiltshire Council's Cabinet subsequently committed to make the council carbon neutral by 2030.

The council had commenced gathering evidence to inform the development of a new carbon reduction strategy for the county of Wiltshire. The intention had been for full Council to consider the draft strategy at its meeting on 20 October 2020. However, given the current circumstances this will not be feasible. The council will review the programme once the resources are available to do so.

Question 2

what measures is the Council taking in order to meet the 2030 target within the next nine years?

Response

As set out above, the council is developing a new carbon reduction strategy. The programme for its completion and consideration by full Council will be published once the council has the capacity to do so.

The council is carrying out a review of its Local Plan as reported to Cabinet on 24 March 2020. The council is developing its fourth Local Transport Plan and both documents will contain policies and actions to enable carbon reduction. The council is currently developing a Green Infrastructure Strategy. From this we will develop a woodland and tree planting policy.

A climate emergency and global warming task group has been established and the members of the group are working on the following themes

- Renewable energy generation, energy use and efficiency
- Planning
- Transport and air quality
- Waste
- Land use
- Business and industry.

In parallel the council has implemented a number of actions to reduce carbon. These include investing in the energy efficiency of the council's buildings, new renewable energy installations on the council's property and developing a business case for use of canopy based solar panels at all viable park and ride sites.

Significant progress has been made in exchanging the existing street lighting for LED lights.

There have been a number of events held in community areas and the council is developing a carbon reduction engagement strategy.

The council is engaging with other public sector organisations through the Wiltshire Public Service Board.

The council is a member of the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) which enables engagement with business and industry in Wiltshire. The SWLEP is about to publish its Local Industrial Strategy which includes commitments to improving the strategic energy infrastructure, decarbonising our economy and helping to deliver the national climate change targets.

£350,000 has been allocated in the revenue budget from 2020-21 onwards which will be used to fund new roles for staff to focus on carbon reduction

work, with interviews having taken place for the Head of Carbon Reduction on 20 March 2020.

£100,000 has been allocated for 2020-21 to fund posts to target external funding for additional footpath and cycle path networks.

Question 3

will the Council review its position on the following in order to support its 2030 carbon neutral target?

- i) a distributor road to the east/southeast of Chippenham; and
- ii) the A303 Stonehenge improvement scheme

Response

The council has acknowledged the climate emergency and resolved to seek to make the county of Wiltshire carbon neutral by 2030. Achieving carbon neutrality will require the council not only to account for carbon in development plans and in every scheme it is bringing forward, but also to find ways of delivering new development with significantly reduced carbon emissions and for which any residual carbon emissions are offset or sequestered so that the net input into the atmosphere is zero carbon emissions.

Defined requirements for new infrastructure, homes and businesses will be delivered alongside the need to protect and enhance the environment, with net environmental gains being achieved. Natural capital approaches which allow for the monetisation of ecosystem services, including the social cost of carbon, will be employed in better informed cost benefit analysis for new development.

- i) A programme such as Future Chippenham is the ideal long-term enterprise in which we can develop and deploy initiatives and measures that demonstrate our commitment to these aspects. We will publish as much as we can as soon as we can and will progress our plans with the environmental aspects very much to the forefront.
- ii) The Environmental Statement prepared for the A303 scheme contains a chapter on climate. This chapter addresses the greenhouse gas impact assessment – the effects on the climate of greenhouse gas emissions arising from the scheme, including how the scheme would affect the ability of government to meet its carbon reduction plan targets. The conclusion is that the greenhouse gas impact of the scheme would not have a material impact on the Government meeting its carbon reduction targets. The Council will work with Highways

England as the promoter of the scheme to solve long standing transport and economic issues caused by the existing road and to minimise any adverse impact and bring as much improvement as possible to the environment and heritage values of the area.

Question 4

Will the recent Heathrow 3rd runway Judgement lead the Council to:

- i) review its policy on infrastructure and large development projects by means of wholly different sets of criteria; and
- ii) ensure recognition of the fact that infrastructure and development projects thus reviewed and re-assessed be contained within the review of the Local Plan and any Sites Allocation decisions?

Response

The implications of the Heathrow decision on local authorities are still being considered but the council is committed to seeking to achieve carbon neutrality. This can be achieved by finding ways of delivering new development with significantly reduced carbon emissions, for which any residual carbon emissions are offset or sequestered, so that the net input into the atmosphere is zero carbon emissions.

Infrastructure planning is an integral part of the review of the Local Plan. Infrastructure needed to support the county's growth to 2036 will be considered as part of the review, in the context of the council's resolution to seek to make the county of Wiltshire carbon neutral by 2030.

2. In view of the Council's declaration of a climate emergency just over a year ago and the ground water flooding alerts to the whole area of the Upper Bristol Avon above Chippenham to Melksham in February 2020,

Question 5

when will Wiltshire's Flood Risk Strategy be updated?

Response

Wiltshire Council's Local Flood Risk Management Strategy was last updated in April 2015. Section 9 (5) of the Flood and Water Management Act 2010 requires the strategy to be consistent with the national flood and coastal erosion risk management strategy for England.

The Environment Agency is currently revising the national flood and coastal risk management strategy and plan to publish the revised strategy in spring 2020. We therefore think it prudent to wait until the revised national strategy is published before updating the Wiltshire Council strategy.

In the meantime, the Council is reviewing the prioritisation of flood risk at a strategic county wide level. The intention is to understand where investment should be targeted to best increase county resilience to flooding (from groundwater, surface water and watercourses) with reference to the changing climate. The findings of the study will inform the update of the county's Local Flood Risk Management Strategy.

Question 6

Will new assessments, including specific area geology, be incorporated into any future development considerations?

Response

As part of the assessment of the site the hydrogeological characteristics of the area will be considered.

Question 7

How would the proposed distributor road to the east/southeast of Chippenham and new bridge crossing of the Bristol Avon to the east/Southeast of Chippenham located close to the flood plain meet the stringent requirements concerning flood plain development?

Response

The Bristol Avon is a main river, and the Environment Agency (EA) is the relevant flood risk authority for planning consultations and consents. The project team will engage with the EA early on to understand their requirements. Detailed hydraulic modelling will be used to inform the design and ensure that the proposed road and bridge would not increase flood risk.

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Wiltshire Council

Cabinet

24 March 2020

Subject: Report Update - Service Devolution & Asset Transfer Package - Bradford on Avon

Cabinet Member: Councillor Richard Clewer – Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration.

Key Decision: Non-Key

The purpose of this statement is to update the submitted Cabinet paper relating to the Devolution of Services and Assets to Bradford on Avon Town Council.

Background

Service Devolution programme aims to combine local services and their associated assets into a single package for transfer to Towns and Parish Councils. Based on the approved policy from November 2017, the package for Bradford on Avon contains services from a number of areas including Environment services; specifically, the open cemetery, which consists of the service to run the cemetery as well as the two assets associated with it, including the proposed cemetery extension site.

Report Update:

Following discussions and ongoing negotiations with Bradford on Avon Town Council. The Programme would like to request that the transfer of the cemetery service and assets is delayed until the finer details have been agreed.

It is proposed that the transfer of all other elements of the package still proceeds with an estimated transfer of early Summer 2020 with the cemetery service and assets following on as soon as reasonably practicable.

Recommendation:

Further to the approval recommendations of the primary Service Devolution and Asset Transfer – Bradford on Avon report, Cabinet is requested to acknowledge and approve the delayed transfer of the Cemetery Service and associated assets to Bradford on Avon Town Council until such time as the particulars are agreed.

Alan Richell
Growth & Investment Director

Report Author: Hannah Day Programme Office

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20 March 2020

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Wiltshire Council

Cabinet

24 March 2020

Questions from Cllr Nick Murry

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Question 1

The report states that “the grant will enable the Council to deliver... benefits in traffic congestion and flow across both new and existing road network. This seems to fly in the face of the evidence, which suggests that the additional vehicle movements from 7,500 more houses will create substantially more congestion in the centre of Chippenham than would be diverted by a residential feeder road to the east of the town. **Please could you share the analysis undertaken in the HIF proposal that demonstrates otherwise?**

Response

The Council will be as open and transparent as possible within the parameters of commercial confidentiality. The Council in its role as landowner and promoter of the Future Chippenham, scheme is part of a commercially competitive landscape for development options. Separately the Council in its role as LPA will make judgments about the value of different development options put before it by different developers. The Future Chippenham programme will have to present its case and seek to win approval in the same manner and subject to the same rigour and disciplines as every other development option.

Question 2

The report also references “town centre improvements in Chippenham yielding an improved experience for residents and visitors alike,” yet provides no evidence for this. Future administrations could decide to spend future CIL receipts anywhere in the county and would not guarantee investment in Chippenham. **Please could you share the analysis undertaken in the HIF proposal that demonstrates otherwise?**

Response

The Council will be as open and transparent as possible within the parameters of commercial confidentiality. The Council in its role as landowner and promoter of the Future Chippenham, scheme is part of a commercially competitive landscape for development options. Separately the Council in its role as LPA will make judgments about the value of different development options put before it by different developers. The Future Chippenham programme will have to present its case and seek to win approval in the same manner and subject to the same rigour and disciplines as every other development option.

Question 3

The report refers to “supporting the Council’s commitment to deliver a carbon neutral future within Wiltshire,” yet provides no explanation as to how creating a substantially larger commuter town would contribute to this goal. The expansion of Chippenham in recent years has resulted in in-migration, massively expanded out-commuting, resulting in congestion, and little benefit for the existing population. These proposals will exacerbate this trend rather than creating a sustainable place where people can live and work and enjoy a good quality of life. **Please could you share the analysis undertaken in the HIF proposal that demonstrates how expanding the town to this degree is sustainable in terms of reducing net carbon emissions?**

Response

The Council will be as open and transparent as possible within the parameters of commercial confidentiality. The Council in its role as landowner and promoter of the Future Chippenham, scheme is part of a commercially competitive landscape for development options. Separately the Council in its role as LPA will make judgments about the value of different development options put before it by different developers. The Future Chippenham programme will have to present its case and seek to win approval in the same manner and subject to the same rigour and disciplines as every other development option.

Question 4

Referring again to “supporting the Council’s commitment to deliver a carbon neutral future within Wiltshire,” Wiltshire Council farms would be built upon as part of the HIF proposals. Not only is this farmland valuable as a future resource but it also extremely valuable in terms of its potential for renewable energy generation (solar PV) to offset the town’s current and future emissions. These sites have been found to be economically viable and in terms of grid connection. Using them for this rather than building upon would generate a lucrative rental income for the Council and an

income stream from selling electricity generated on the site, as well as enabling the Council to offset its own emissions more quickly (in line with its plans for carbon neutrality). Since sites like Hardens Farm are on and adjacent to the flood plain (which does not prevent solar) and would be a temporary feature, not removing productive land permanently, this would seem to be a sensible proposition. **Please could you share the analysis undertaken in the HIF proposal that considers this option?**

Response

The Council will be as open and transparent as possible within the parameters of commercial confidentiality. The Council in its role as landowner and promoter of the Future Chippenham, scheme is part of a commercially competitive landscape for development options. Separately the Council in its role as LPA will make judgments about the value of different development options put before it by different developers. The Future Chippenham programme will have to present its case and seek to win approval in the same manner and subject to the same rigour and disciplines as every other development option.

Question 5

In 2019 a meeting was held with Wiltshire Council planners at which local councillors were told that Chippenham would need to identify sites for an additional 3,500 houses, whereas the HIF bid proposed an expansion of 7,500 houses on a particular site, without any planning evidence for this number being remotely feasible. This does not seem like a proper planning or democratic process. **Could you explain how it is possible for the HIF bid to predetermine the housing numbers in the Local Plan Review in this way?**

Response

The Council in its role as landowner and promoter of the Future Chippenham HIF bid is acting in accordance with all current legislative requirements and will continue to do so throughout the process. The Council has been awarded a grant of £75m from MHCLG for Housing Infrastructure Funding. This must be applied specifically to construct infrastructure that enables the delivery of housing to address the County's housing needs over many years to come. The Council is now negotiating terms and conditions with Homes England to sign a contract that will first of all secure the grant for use by the Council and secondly will govern how the grant is used. This process is expected to be complete by the end of 2020, current circumstances permitting

There is no predetermination possible in this scenario. It will be an express condition of the contract with Homes England that planning permission must be obtained for both the road to be funded by the HIF grant and subsequently for housing

developments as they come forward. The planning process is entirely separate from the Council's team working on the Future Chippenham HIF award, and has governance measures in place to ensure and maintain that separation.

Any landowner can make a planning application on any piece of land at any time. They do not have to own it, nor does it have to be in a Core Strategy or Local Plan. MHCLG are aware of the status of the land forming part of the Future Chippenham scheme and are reflecting this in the terms and conditions to which the Council will be expected to commit.

When the Future Chippenham scheme does submit its planning applications all normal public consultation and examinations in public will take place as part of that process. The scheme will be subject to every discipline and requirement to which any and every application is subject, and will have to win approval on its own merits.

Statement from Adrian Temple-Brown
Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Statement

In one of the small villages near Calne yesterday an old lady asked of her Hermes delivery lady “how will I get food now I have to stay at home because of this virus emergency?”

She was stood next to her old husband and she was in tears.

Today, here at this Cabinet meeting, there are 14 *Business as Usual* agenda Items.

There is

- No agenda item for the Climate emergency
- No agenda item for the Ecological emergency
- No agenda item for the Covid-19 emergency

My perception of any council is that is it made up of upstanding, decent adults who care about people and the community they live in. My understanding is that the status of a councillor comes with a level of responsibility and a level of community leadership. My observation of this cabinet is that it is primarily concerned with *growth*.

Wiltshire Council directly links to Chippenham Town Council, which is made up of councillors elected from small, defined wards.

Local Government *could* co-ordinate assistance for the vulnerable at the Ward level, with support to each Ward councillor via each Town Council.

The System of local government is in place and it is fully operational.

But this cabinet does not recognise the meaning of the word “emergency”, its core policy and focus is *economic growth*.

I have not had a single communication from any Local Government level on Covid-19.

But much, *much* more importantly, neither has the old man who lives far away from local government - and nor has his wife, the old lady, who spoke through her tears.

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Wiltshire Council

Cabinet

24 March 2020

Statement and Question from Adrian Temple Brown

Agenda Item 13 – Chippenham Housing Infrastructure Fund Bid

To Councillor Philip Whitehead –Leader of the Council and Cabinet Member for Economic Development

Statement

I asked a Public Question of Cabinet on 04-Feb-2020. I have received a written response, but as yet I have not received a reply to my Public Question.

This politician technique of ‘divert or avoid’ in response to difficult questions is typical to each and every direct question I have so far posed to Cabinet or Full Council.

Let us consider this Question and Answer as a typical example:

Question: Will the Cabinet move Urgently to force a line item to be added to the HiF programme’s Project Plan that *requires* the Carbon Costs associated with building out to be reasonably estimated using your Detailed Development model ? (These are the Carbon costs associated with building out the full Chippenham Eastern Expansion - an example of a development over Wiltshire countryside?)

Answer:

The Council has declared a climate emergency and set an ambitious target of becoming a carbon neutral county by 2030. To achieve carbon neutrality the council will, among other things, need to account for carbon in its development plans. The council will also look at ways of delivering new development with reduced carbon emissions and will investigate offsetting any residual carbon emissions, so that the net input into the atmosphere is as close to zero carbon emissions as possible.

The answer needs to be Yes or No (and of course, any text following the answer is absolutely fine).

However, there is no Yes or No to the Direct Question in the considered and written response from Cabinet.

To the Officer present overseeing Scrutiny and Democracy, I would like to ask the following question:

“Is Cabinet *not* answering a Direct Public Question actually allowed?”

Note: The following question was asked after the Cabinet meeting on 4 February 2020, and a response was sent to Mr Temple-Brown. Mr Temple-Brown has subsequently indicated that he did not feel that the response answered his question adequately. An additional response is provided below.

Question 2

I understand that the Cabinet does not want to challenge the Government’s legal policy of UK GDP growth at this time on environmental grounds and I understand the possible dire consequences of doing so. However, it is clear that you are proceeding with significant Road and House building on fields and woods in Wiltshire, without having any idea at all of the absolute Carbon Cost of construction, nor the absolute Carbon Cost of new residents & businesses ‘living life’ in the proposed development.

Will the Cabinet therefore move Urgently to force a line item to added to the programme’s Project Plan (I understand this is overseen by Christine Lamb) that requires the Carbon Costs associated with building out the full Chippenham Eastern Expansion (as a mature example of a Wiltshire countryside development) using your detailed development model to be reasonably estimated ?

As Shakespeare said and in relation to treating Wildlife and Countryside as a business resource “you know what you do”

Response

The Council has declared a climate emergency and set an ambitious target of becoming a carbon neutral county by 2030. To achieve carbon neutrality the council will, among other things, need to account for carbon in its development plans. The council will also look at ways of delivering new development with reduced carbon emissions and will investigate offsetting any residual carbon emissions, so that the net input into the atmosphere is as close to zero carbon emissions as possible.

A programme such as Future Chippenham is the ideal long term enterprise in which we can develop initiatives that demonstrate our commitment to these aspects of development. We will publish as much as we can as soon as we can and will progress our plans with the environmental aspects very much to the forefront.

Further Response

No, the Council will not, at this time, move to add such a line to the Programme's Plan.

However, the Council's ambition is to address such matters comprehensively as the programme proceeds and is making good progress with its plans for actively managing the environmental impact of the Future Chippenham scheme. Taken together with the answer above, such matters already feature as core elements of the Programme. A specific example might be a biodiversity study to understand how the scheme can achieve a 10% net gain. This would be followed by a Strategy and Investment Plan for natural capital attributed to the scheme. In turn this would allow us to plan the optimisation of different natural and societal assets and maximise the contribution of those assets into the ecosystems they support.

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**Questions from Andrew Nicolson
Agenda Item 13 Future Chippenham Update**

**To Councillor Philip Whitehead Leader and Cabinet Member for Economic
Development**

Statement

This is a massive scheme, releasing greenfield land for housing and commercial development on a scale unprecedented in Wiltshire at a time when the Council has only just declared its belated recognition of the global climate and ecological emergency, which is reaching a critical stage. It involves a road that will complete a ring around Chippenham, hence bringing unintended consequences such as increased through traffic on the A350 and new road, further greenfield development pressures, induced traffic generated by the temporary relief of roads within Chippenham, and the decentralisation of the relatively sustainable Chippenham urban area.

Question 1

Does Cabinet accept the need for full transparency and disclosure of information about the scheme, going beyond its minimal legal obligations under Freedom of Information legislation?

Response

The Council will be as open and transparent as possible within the parameters of commercial confidentiality. The Council in its role as landowner and promoter of the Future Chippenham, scheme is part of a commercially competitive landscape for development options. Separately the Council in its role as LPA will make judgments about the value of different development options put before it by different developers. The Future Chippenham programme will have to present its case and seek to win approval in the same manner and subject to the same rigour and disciplines as every other development option.

Question 2

Will the Council commit to the earliest possible engagement of community stakeholders including the dynamic community groups now coalescing under the Wiltshire Climate Alliance umbrella, and offer positive assistance to an inexperienced generation of campaigners who have the best interests of Wiltshire and the world's future generations at heart?

Response

The Council will not compromise its intention to consult with the public about many aspects of the Future Chippenham programme and that will take place as soon as it is safe and practical to do so.

The first such engagement will be to seek review and comment on route options for the road to be funded by the HIF award which we had hoped to commence in late April. As you indicate it will not be possible to hold public events at this point in time. As an alternative we are looking at technological methods to begin the consultation process, to be followed up with appropriate events when it is safe to do so.

As you will know a great many factors must be accounted for in determining the route of a new road from archaeology, ground conditions, engineering options suitability for its intended purpose, among many others. Included in these factors are the views of the public and the Council will only determine a preferred route when the public's views have been received. Once every factor has been considered and a preferred route is available that too will be offered for consultation before being finalised and becoming part of the subsequent planning application.

In connection specifically with the Future Chippenham programme the Council will have to take in to account in depth studies of ecological and climate impacts and will have to put in place all appropriate mitigation and enhancement measures. There will be a role in this for public stakeholder groups which will be determined as we reach the design stage.

Question 3

Will the Council please commission an independent report reviewing the ecological, climate, induced traffic and other unintended consequences of the scheme?

Response

Please see the answer to question 2 above. The investigative and mitigation requirements placed on the Future Chippenham programme will be exacting and stringent if the scheme is to secure its planning permission.

Statement from Chris Caswill
Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Statement

Like many others, I will not be attending the Cabinet meeting due to the coronavirus situation and government advice. I would still wish to make the following statement in relation to Item 13 on the agenda:

There are several reasons why this Item should not be decided on the 24th and postponed to a future date.

1. Cabinet should take proper account of the current coronavirus crisis, which is not even on the published agenda. The Cabinet is the Council's main executive body and the inclusion of a massive investment of time and resources for roadbuilding and no discussion of the virus crisis or the allocation of resources for it is itself a disturbing statement of the Cabinet's priorities.
2. The Cabinet – and Council - should be devoting any available financial resources, manpower and management effort to Children's and Social Services, to supporting elderly and vulnerable people to survive the virus, and also to going beyond central government efforts to help local businesses to survive.
3. It follows that Wiltshire Council should not be prioritising roadbuilding by approving over £5m from its own budget, nor the huge time and resources to progress the Future Chippenham project.
4. The timing of bringing the detailed plans for this controversial and expensive project into the public arena is wrong, not least at a time when public attention will be fully focused on the COVID crisis, and what individuals and businesses can do to survive it. The project has already been rushed through with almost no proper public consultation. They were not consulted prior to the HIF bid submission, nor are we subsequently allowed to see the details of the HIF bid.
5. The proposal to give massive delegated powers to unelected officials and their unspecified nominees is fundamentally undemocratic, irresponsible and frankly dangerous, and should be completely rethought.
6. In today's circumstances, and with the government ban on non-essential public gatherings it will not be possible to hold an effective public consultation in April – or for the foreseeable future - without putting public health at risk.
7. Specifically, the intention to commit large public resources to a roadbuilding project which is not supported by the current Local Plan and deliberately in advance of the current revision of that Plan is cynical and undemocratic. A

significant project of this kind must be evaluated as part of the local planning for Chippenham, Calne and the neighbouring villages.

For all these reasons, this item should be postponed until it has been suitably revised, includes within the Local Plan process, the proposed human and financial resources have been allocated to address the virus crisis and its effects, and circumstances allow for proper public engagement.

Wiltshire Council

Cabinet

24 March 2020

Question from Chris Caswell

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Statement

Like many others, I will not be attending the Cabinet meeting due to the coronavirus situation and government advice. I would still wish to ask the following question:

You and others have frequently stated that the £75 million HIF money will be recovered from developers so that it can be recycled for other purposes. In response to an email question from me about how this will be achieved, you wrote:

"It is the Council's aim to recover the £75 million HIF funding for reinvestment into future developments that benefit Wiltshire communities. We are looking to secure recovery through the best possible mechanism that is legally sound. This is a long-term project and as such it will take time to get the relevant processes and policies in place."

From this it seems clear that the Council does *not know for sure* how this money can be recovered from developers, beyond the normal CIL processes. If so, the public has been misled by the confident statements about cost recovery, which did not include any note of uncertainty.

Question 1

This is an opportunity to make it clear that there is no guarantee of any or all of the £75 million being recovered and recycled. Or will the true situation continue to be concealed?

Response

The Council has been awarded a grant of £75m from the Housing Infrastructure Fund (HIF) for the construction of a connector or distributor road that unlocks land for development. The award of the grant does not secure the funds for the Council to

use. The Council is now engaged in contract negotiations with Homes England to agree the terms and conditions which will govern how the Council can draw down and use the funds. Central to those conditions will be a requirement to demonstrate a specific mechanism, distinct from standard CIL and s106 arrangements, that evidences recovery of the HIF funds over time. This is a grant from government, not a loan, and the Council has to prove first that it is recovering the HIF funds deployed and secondly that it is re-cycling them for the benefit of future development across the County

Question 2

Have the Cabinet read my statement of the many reasons why Item 13 on the agenda, Chippenham HIF Bid, should be postponed? If it is decided to proceed in the face of these concerns, what are the specific reasons to ignore them?

Response

Yes, thank you for submitting your statement. As well as handling the current unexpected and very serious issues presented by the Covid-19 outbreak the Council must also consider strategic matters that seek to generate income and protect the Council's ability to deliver its core services in the long term. The Future Chippenham scheme is one such strategic programme, among others and the Cabinet believe it is a good investment at this time, taking everything else in to account. It is also worth noting that the risks expressed in the paper have mitigations also set out and that these mitigations will only be necessary in the unlikely event of the Council and Homes England failing to agree a contract between them. Once such contract is achieved the Council will be able to draw down and recover much of the funds spent during 2020-21. The reason this work must be done now is that the HIF fund has an end date in early 2024 and it is better to engage with a managed risk for a smaller sum of money in the short term than lose the opportunity to leverage £75m for the benefit of the County in the long term

Question 3

How is it justified to ignore the Local Plan review process in rushing this work ahead in advance of it, ignoring the need to carefully consider it within the context of Council policies and local needs?

Response

The Council has been awarded a grant from HIF for the construction of a connector or distributor road that unlocks land for new developments. The Council made the application, and the government made the award knowing that the land is unallocated. The next step is for the Council to negotiate a contract with Homes

England that will govern the conditions under which the Council will be able to draw down and use the funds. Central to those conditions is the requirement that the Future Chippenham programme secures planning permission first for the road and subsequently for all other development. The Local Plan review process and the planning process is entirely independent from any applicant for any planning permission and this programme will have to make its case like any other and seek to win approval in the proper manner. The Future Chippenham programme does respond to known future housing need and is one option for development that the Local Planning Authority will consider among others that will come before it.

Question 4

How does the Cabinet justify the huge and undemocratic delegation of extraordinary powers to unelected officers and their unknown nominees?

Response

The Council is explicitly and deliberately keeping resources applied to programmes such as Future Chippenham distinct and separate from its role as Local Planning Authority. This separation extends to oversight and governance of the programme in both the political and executive arenas. As mentioned, the risk is limited and managed in the context of successful contract negotiations with Homes England which the Council believes have very strong chances of success.

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Wiltshire Council

Cabinet

24 March 2020

Question from Helen Stuckey about Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Given the primary focus on everyone is now responding to the Coronavirus escalation, surely Wiltshire Council should neither be approving over £5m from its budget, nor the time and resources to progress the Future Chippenham project. There are 3 key reasons for voting against this project at this stage

Question 1

The council should be devoting all its financial resources, manpower and management effort to supporting elderly and vulnerable people to survive the virus, to assisting local businesses to survive and to provide essential services such as rubbish collection and policing.

Response

The Council is prioritising its response to the Corona virus outbreak ahead of every other matter and will do so for as long as is necessary. Approval to the Future Chippenham budget at Cabinet means that it can proceed when appropriate and when ranked against other Council priorities including care for the vulnerable keeping our environment clean and safe.

Question 2

This project has already been rushed through to reach the current stage - the public have not been consulted prior to the HIF bid submission, nor subsequently allowed to see the details of the HIF bid. Yet again, the council are seeking to cut corners with "a fast paced, compressed programme of work, with some work being done at risk and components being undertaken in parallel with others..... to achieve the timeline required and take advantage of the HIF Grant award." This is a controversial project that should not be unduly rushed through.

Response

The Council is responding to a timetable set by Homes England and MHCLG in order to maximise the benefit to the County that the HIF award can bring over many years. That timetable was set long before the Corona virus outbreak impacted the Council and its services, as well as its parallel impact on Homes England and central government. Given this situation we are engaging in a dialogue with Homes England as to realistic timescales for contracting and for delivery.

Equally the Council is conducting a lot of work at this stage to ensure depth and thoroughness of early site investigation, knowing that this programme has to pass through planning on its own merits, and will be subject to all the usual disciplines and controls of the planning regime.

Question 3

How will the public consultation "planned for late April 2020 be possible with the Government ban on all non-essential gatherings. Yet again it appears that the council is trying to railroad this through without adequate public consideration!

Response

First of all the answer to Question 2 above also refers.

The Council across its full range of services is significantly affected by the Corona virus outbreak and its response to the needs flowing from that will take precedence.

Equally the Council will not compromise its intention to consult with the public about many aspects of the Future Chippenham programme and that will take place as soon as it is safe and practical to do so.

The first such engagement will be to seek review and comment on route options for the road to be funded by the HIF award which we had hoped to commence in late April. As you indicate it will not be possible to hold public events at this point in time. As an alternative we are looking at technological methods to begin the consultation process, to be followed up with appropriate events when it is safe to do so.

As you will know a great many factors must be accounted for in determining the route of a new road from archaeology, ground conditions, engineering options suitability for its intended purpose, among many others. Included in these factors are the views of the public and the Council will only determine a preferred route when the public's views have been received. Once every factor has been considered and a preferred route is available that too will be offered for consultation before being finalised and becoming part of the subsequent planning application.

Wiltshire Council

Cabinet

24 March 2020

Question from Kim Stuckey about Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

The land in question is not in the development plans for the current Core Strategy, it was specifically rejected in the Chippenham Site Allocation Plan (CSAP).

By proceeding with the HIF implementation, Wiltshire Council is predetermining the allocation of sites in the next planning phase, before any public consultation or examination in public.

Question 1

Why is this being done and is it contrary to Section 25 of the Localism Act 2011?"

Response

The Council in its role as landowner and promoter of the Future Chippenham HIF bid is acting in accordance with all current legislative requirements and will continue to do so throughout the process. The Council has been awarded a grant of £75m from MHCLG for Housing Infrastructure Funding. This must be applied specifically to construct infrastructure that enables the delivery of housing to address the County's housing needs over many years to come. The Council is now negotiating terms and conditions with Homes England to sign a contract that will first of all secure the grant for use by the Council and secondly will govern how the grant is used. This process is expected to be complete by the end of 2020, current circumstances permitting

There is no predetermination possible in this scenario. It will be an express condition of the contract with Homes England that planning permission must be obtained for both the road to be funded by the HIF grant and subsequently for housing developments as they come forward. The planning process is entirely separate from the Council's team working on the Future Chippenham HIF award, and has governance measures in place to ensure and maintain that separation.

Any landowner can make a planning application on any piece of land at any time. They do not have to own it, nor does it have to be in a Core Strategy or Local Plan.

MHCLG are aware of the status of the land forming part of the Future Chippenham scheme and are reflecting this in the terms and conditions to which the Council will be expected to commit.

When the Future Chippenham scheme does submit its planning applications all normal public consultation and examinations in public will take place as part of that process. The scheme will be subject to every discipline and requirement to which any and every application is subject, and will have to win approval on its own merits.

Wiltshire Council

Cabinet

24 March 2020

Question from Louise Ranson

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Question 1

Why is this meeting going ahead at a time when all public meetings and gatherings are being postponed due to Covid-19?

Response

The Cabinet has responsibility for determining the **significant executive** decisions within the Council. A number of decisions to be made by the Cabinet at their meeting on 24 March 2020 have deadlines attached and are time limited. Delaying a decision would impact greatly on future projects and service provision.

Councillors must be physically present at any formally constituted meeting to be part of the quorum, vote and thereby take decisions. At present this is a legal requirement (Schedule 12 to the Local Government Act 1972), although arrangements are in place for members of the public to continue to engage in democratic meetings via written statements and questions. The council is considering practicable alternatives that will maintain robust, open and transparent governance, whilst having a primary duty to the health of residents, staff and councillors at this time.

Question 2

Regarding funding for the road from HIF, why hasn't due process been followed from the outset?

Response

In applying to MHCLG via the Housing Infrastructure Fund (HIF) the Council followed every element of protocol and process required of it. Equally as contract negotiations with Homes England proceed and the Future Chippenham programme is advanced

the Council will continue to ensure it abides by all procedural requirements at every stage

Question 3

If the land in question was specifically ruled out in the Chippenham Site Allocation Plan, how can it be now allocated for the road?

Response

The Council has been awarded a grant from HIF for the construction of a connector or distributor road that unlocks land for new developments. The Council made the application, and the government made the award knowing that the land is unallocated. The next step is for the Council to negotiate a contract with Homes England that will govern the conditions under which the Council will be able to draw down and use the funds. Central to those conditions is the requirement that the Future Chippenham programme secures planning permission first for the road and subsequently for all other development. The planning process is entirely independent from any applicant for any planning permission and this programme will have to make its case like any other and seek to win approval in the proper manner.

Wiltshire Council

Cabinet

24 March 2020

Question from Lucy Ranson

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Question 1

Why is this meeting still going ahead when due to Corvid-19, we're being told by the government to self-isolate/keep away from mass gatherings?

Response

The Cabinet has responsibility for determining the **significant executive** decisions within the Council. A number of decisions to be made by the Cabinet at their meeting on 24 March 2020 have deadlines attached and are time limited. Delaying a decision would impact greatly on future projects and service provision.

Councillors must be physically present at any formally constituted meeting to be part of the quorum, vote and thereby take decisions. At present this is a legal requirement (Schedule 12 to the Local Government Act 1972), although arrangements are in place for members of the public to continue to engage in democratic meetings via written statements and questions. The council is considering practicable alternatives that will maintain robust, open and transparent governance, whilst having a primary duty to the health of residents, staff and councillors at this time.

Question 2

Why has this project has been rushed through without proper public consultation?

Response

The Council across its full range of services is significantly affected by the Corona virus outbreak and its response to the needs flowing from that will take precedence.

Equally the Council will not compromise its intention to consult with the public about many aspects of the Future Chippenham programme and that will take place as soon as it is safe and practical to do so.

The first such engagement will be to seek review and comment on route options for the road to be funded by the HIF award which we had hoped to commence in late April. It will not be possible to hold public events at this point in time so, as an alternative, we are looking at technological methods to begin the consultation process, to be followed up with appropriate events when it is safe to do so.

As you will know a great many factors must be accounted for in determining the route of a new road from archaeology, ground conditions, engineering options suitability for its intended purpose, among many others. Included in these factors are the views of the public and the Council will only determine a preferred route when the public's views have been received. Once every factor has been considered and a preferred route is available that too will be offered for consultation before being finalised and becoming part of the subsequent planning application.

Question 3

Why, given the increased incidence of flooding, is this road, which will enable the building of housing estates still being proposed as it will increase flooding in the Marden and Avon Valley?

Response

As part of its preparation to submit a viable planning application to the Local Planning Authority the Council will need to prepare a thorough Environmental Statement. That will include an in-depth examination of flood risk and no development will take place that increases that flood risk. There will be stringent requirements placed on Future Chippenham, as with every developer, to understand and fully mitigate any flood consequences that may emerge in the design process. All such factors will be taken in to account in the design stage.

Wiltshire Council

Cabinet

24 March 2020

Question from Paul Ranson

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Question 1

Why is this meeting going ahead at a time when all public meetings and gatherings are being postponed due to Covid-19?

Response

The Cabinet has responsibility for determining the **significant executive** decisions within the Council. A number of decisions to be made by the Cabinet at their meeting on 24 March 2020 have deadlines attached and are time limited. Delaying a decision would impact greatly on future projects and service provision.

Councillors must be physically present at any formally constituted meeting to be part of the quorum, vote and thereby take decisions. At present this is a legal requirement (Schedule 12 to the Local Government Act 1972), although arrangements are in place for members of the public to continue to engage in democratic meetings via written statements and questions. The council is considering practicable alternatives that will maintain robust, open and transparent governance, whilst having a primary duty to the health of residents, staff and councillors at this time.

Question 2

Regarding funding for the road from HIF, why hasn't due process been followed from the outset?

Response

In applying to MHCLG via the Housing Infrastructure Fund (HIF) the Council followed every element of protocol and process required of it. Equally as contract negotiations with Homes England proceed and the Future Chippenham programme is advanced

the Council will continue to ensure it abides by all procedural requirements at every stage

Question 3

If the land in question was specifically ruled out in the Chippenham Site Allocation Plan, how can it be now allocated for the road?

Response

The Council has been awarded a grant from HIF for the construction of a connector or distributor road that unlocks land for new developments. The Council made the application, and the government made the award knowing that the land is unallocated. The next step is for the Council to negotiate a contract with Homes England that will govern the conditions under which the Council will be able to draw down and use the funds. Central to those conditions is the requirement that the Future Chippenham programme secures planning permission first for the road and subsequently for all other development. The planning process is entirely independent from any applicant for any planning permission and this programme will have to make its case like any other and seek to win approval in the proper manner.

Wiltshire Council

Cabinet

24 March 2020

Questions from Ian James – Bremhill Parish Council

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Pre - Statement

At no time has Bremhill Parish been informed of this cabinet meeting where the item concerned at 13/14 of the agenda proposes a road and 7,500 houses many of which will be built in the parish of Bremhill.

A number of my colleagues have written questions, and statements for this meeting. Due to the Coronavirus the public are unable to attend and speak at the meeting due to Government directions.

The inclusion of this item on the agenda at this time when the country is in a fight against a major pandemic when the public are not able to attend to speak in a democratic forum smacks of panic within the Council to get this agenda item through with little or no comment.

I would suggest that this has been put into the agenda to attempt to pass it through cabinet with no representation from the public.

The agenda item regarding development to the east of Chippenham should be withdrawn from the agenda, and placed back when the Coronavirus has subsided and members of the public can attend. I am sure you appreciate the need to maintain the democratic process of government meetings.

Another issue is Bremhill parish council was not informed that this agenda item would be discussed. Mr Whitehead assured members of the parish council in

December that every opportunity for consultation would be made to allow the parish council to be included in the process. this has clearly failed again.

Question

Please assure me that this matter has been discussed at the highest level, and the decision as to whether this item will remain in the agenda for 24th March.

Response

It has been so discussed and a decision taken to retain this, and other items, on the Cabinet agenda for 24th March.

The Cabinet is the Council's principal decision-making body, and collectively Cabinet Members have responsibility for taking the day to day decisions within the Council.

Councillors must be physically present at any formally constituted meeting to be part of the quorum, vote and thereby take decisions. At present this is a legal requirement (Schedule 12 to the Local Government Act 1972).

A number of decisions to be made by the Cabinet at their meeting on 24 March 2020 have deadlines attached and are time limited. Delaying a decision at this point will impact greatly on the long-term health of the Council, its ability to deliver its core services, and future strategic projects that enable this.

At this time the preferred method of public participation is via written statements and questions submitted in writing to be considered at the meeting. Members of the public are able to join the meeting remotely via skype and also watch proceedings through the webcast.

Specifically, in connection with this Agenda Item 13 the risk is failing to agree contract terms between the Council and Homes England. That risk is small, and there is clear intention in the negotiations from both the Council and Homes England to achieve a contract. Once we are successfully in contract much of the budget requested for 2020-21 can be recovered. In this report we seek only to be wholly transparent about expenditure and risks as well as the long-term benefits that will accrue.

Statement

I applaud the Council on the successful bid for £75m, however the way the Council went about this bid behind closed doors is a trait that unfortunately this Council has a habit of doing. If there is any hint of opposition, questioning or the requirement for consultation this Council carries on regardless of public opinion.

The HIF bid had no credible public support, and yet the Council clearly stated to the Housing Minister that there was public support, why would the Council go to these lengths to put this bid into government?

There are a number of questions Cabinet members should be asking: The profit the Council makes from the sale of Hardens Farm is that going back into the Council it improve public services such new bus routes, the provision of a decent social care programme or will it be used to reduce Council Tax?

The developers who already have large land banks, and surplus cash in the bank of in excess of £2billion, are requesting this support to allow them to build £1 million houses alongside the River Marden. Is this right that we the tax payer should be supporting builders and developers, unless the council can assure you that there will 40% social housing.

This £75m is just a loan to the Council and the developers, both will have to pay this back to the Council to allow further infrastructure projects to continue in Wiltshire. The question Cabinet members should be asking "is when will this money be paid back to the council?" Developers have a very poor record on actually completing developments with all the requirements in the original plan. Some go bankrupt, and others just leave developments unfinished. Can you trust the developers to repay this money?

This Council has carried out a bid which lacked consultation, because it knew that if it went through the correct consultation process it may not have succeeded in getting the support it required. The council ignored this democratic process and submitted the bid. The Council now faces the problem of applying for planning permission for a road where there is no local plan to the east of Chippenham. Surely that cannot be right?

Secondly if the planning permission is granted for the road, and it is built by 2024, and the housing development comes up for planning the planning inspector may well refuse planning for a number of reasons, the high risk of flooding to Chippenham town centre, the value of the landscape, and the fact that a planning inspector passing the Bremhill Neighbourhood Plan stated that development should not breach the disused rail track thereby conserving the separation between Chippenham Town and the village of Tytherton Lucas.

This is a straight forward matter, and I would ask that you delay any decision on this agenda item until members of the public are able to express their views on this

agenda item. To agree to loaning taxpayers money to start this process without knowing the full risks involved could mean the Council loses this money you are being asked to approve today. You will be pressured, but the due diligence has not been proved, and the rush to pass this agenda item during the Corona virus pandemic smacks of opportunism. Perhaps the £5m would be better spent on Social Care to empty the beds at Great Western Hospital which will be urgently required in the coming weeks.

Question from Isabel McCord – Bremhill Parish Council

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Statement

The report notes the risk that the timelines for the planning application for the roads does not align with the Local Plan Review timelines and there is a risk that consent will not be granted, and the sites not allocated for housing. HIF Forward Fund Technical Guidance states 'Any development decisions for specific proposals must go through the normal planning process and be guided by development plans'. WC Statement of Community Involvement (SCI) states planning applications must be determined in accordance with the development plan. The extant local development plan for Chippenham is the Chippenham Site Allocation Plan adopted May 2017. This does not include housing development to the East of Chippenham. The next iteration of the Local Development Plan for Chippenham will not be adopted until early 2023. Therefore, there is no adopted local development plan that supports the development of land for houses and employment land to the East of Chippenham. For the Cabinet to push ahead with the planning application for the roads ahead of adoption of the next local plan runs counter not only to the HIF Forward Fund Technical Guidance but also its own policy as laid down in the Statement of Community Involvement. By pushing ahead with the planning applications for the roads Wiltshire Council has predetermined the allocation of sites for development in the next LDL for Chippenham without public consultation or examination in public.

Question 1

How will the public consultation on the options for the roads be possible in April this year with the developments in COVID 19 and consequent restrictions on movement of people?

Response

The Council across its full range of services is significantly affected by the Corona virus outbreak and its response to the needs flowing from that will take precedence.

Equally the Council will not compromise its intention to consult with the public about many aspects of the Future Chippenham programme and that will take place as soon as it is safe and practical to do so.

The first such engagement will be to seek review and comment on route options for the road to be funded by the HIF award which we had hoped to commence in late April. As you indicate it will not be possible to hold public events at this point in time. As an alternative we are looking at technological methods to begin the consultation process, to be followed up with appropriate events when it is safe to do so.

As you will know a great many factors must be accounted for in determining the route of a new road from archaeology, ground conditions, engineering options suitability for its intended purpose, among many others. Included in these factors are the views of the public and the Council will only determine a preferred route when the public's views have been received. Once every factor has been considered and a preferred route is available that too will be offered for consultation before being finalised and becoming part of the subsequent planning application.

Question 2

Paragraph 4 b ii states "to continue to develop the design of the road together with the master planning of the overall scheme." Does this mean the overall scheme for the roads or for the roads and the development of houses and employment land?

Response

The Council will need to submit a detailed planning application for the new road to be funded by the HIF award. The award is provided by the Housing Infrastructure Fund and is explicitly awarded on the basis that the new infrastructure brings forward land for housing. At this stage the masterplan will do no more than indicate broad outline areas of development for different purposes – housing; community hearts; schools; leisure facilities; open spaces; green corridors; cycleways, among others. This is done to give the road its context but does not yet need to be expressed in detail. All such matters will come forward in the years ahead, assuming the road secures planning permission, and will be subject to all the disciplines and requirements of the planning regime at the relevant time.

Question 3

In the Executive Summary it states town centre improvements in Chippenham yielding an improved experience for residents and visitors alike. As it makes another point about relieving traffic congestion, I assume it means other improvements. What are these, were they included in the HIF bid and how will this be done from £75m?

Response

The HIF award of £75m is for the new distributor road only. It will be a requirement of the contract that the Council is now negotiating with Homes England to secure the grant that, in the years ahead, developers are subject to a separate and distinct charge that recovers the HIF grant. This is in addition to normal CIL contributions and s106 Agreements. The Council will be required in the contract with Homes England to set out the mechanism for such recovery and will be required to recycle it for use to improve other infrastructure and community facilities.

Whilst other work goes on to improve Chippenham town centre additional funds specifically recovered for the HIF grant will be applied in Chippenham and elsewhere when available to do so. Specific projects on which such monies might be spent will be determined at the time.

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Wiltshire Council

Cabinet

24 March 2020

Questions from Mel Moden

Agenda Item 13 Future Chippenham Update

To Councillor Philip Whitehead Leader and Cabinet Member for Economic Development

Question 1

Given that we are repeatedly told that there is no money to address the Climate Emergency, where is the financing of £5M for the HiF bid coming from?

Response

The Future Chippenham Programme is a capital scheme and can be funded from those sources. Equally once in contract with Homes England the Council will be able to draw down much of this money from HIF funds retrospectively. This report, in the interests of transparency, seeks to indicate the small risk that failure to contract with Homes England and/or the loss of the HIF grant may result in a revenue exposure to the Council of this amount. In those circumstances mitigation methods are also set out

Question 2

The bid pre-supposes a number of key issues, and as such is a significant financial risk; there are no guarantees, so why is our money being gambled on this unnecessary bid?

Response

Please see the answer to Question 1 above. The Council is being transparent about this small risk which itself is being managed actively and has mitigation measures also set out. The Council believes it is better to seek to take advantage of a £75m grant for the benefit of Chippenham and the County as a whole and does not believe this to be a gamble by any measure

Question 3

Where is the carbon budget for this project? You can't declare a Climate Emergency, and then randomly accept the building of new roads and housing, without any sort of plan as to how these can be made carbon negative, so where is your plan?

Response

As part of its environmental management of the programme a carbon budget will be established and published. This will sit alongside extensive green design features and carbon mitigation measures such that the aim is to see the programme become carbon neutral in line with the Council's overall Policy.

Question 4

At a time when finances of all the population will be stretched by the impacts of CoVid, this is a risk too far; our economy will feel the impact for years, and if you think that is bad, wait until the impact of uncontrollable global heating hits. Why are WC wasting money by continuing to support increasing Wiltshire's carbon footprint, when money needs to be spent on addressing the CoVid emergency, supporting our residents, proving the services they need? And when that is over, money needs to be found to address the Climate Emergency; where is the budget for that?

Response

As well as handling the current unexpected and very serious issues presented by the Covid-19 outbreak the Council must also consider strategic matters that seek to generate income and protect the Council's ability to deliver its core services in the long term. The Future Chippenham scheme is one such strategic programme, among others and the Cabinet believe it is a good investment at this time, taking everything else in to account. It is also worth noting that the risks expressed in the paper have mitigations also set out and that these mitigations will only be necessary in the unlikely event of the Council and Homes England failing to agree a contract between them. Once such contract is achieved the Council will be able to draw down and recover much of the funds spent during 2020-21. The reason this work must be done now is that the HIF fund has an end date in early 2024 and it is better to engage with a managed risk for a smaller sum of money in the short term than lose the opportunity to leverage £75m for the benefit of the County in the long term