

# AGENDA SUPPLEMENT (1)

**Meeting:** Cabinet

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

**Date:** Tuesday 13 December 2022

**Time:** 10.00 am

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**The Agenda for the above meeting was published on 5 December 2022. Additional documents are now available and are attached to this Agenda Supplement.**

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Report of the Chief Executive

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**Wiltshire Council**

**Cabinet**

**13 December 2022**

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**Subject: Proposal to Retain and Invest in Silverwood School  
Chippenham and Trowbridge Campuses**

**Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Leader for  
Children's Services, Education and Skills; and  
Cllr Jane Davies Cabinet Member for Adult Social Care, SEND  
and Inclusion**

**Key Decision: Key**

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## **Executive Summary**

Wiltshire Council is committed to addressing the increasing demand for specialist school placements. There is significant financial investment in new Special School places in the north of the county, as well as the 150-place free special school in the south, expansion of SEND provision and specialist spaces within our mainstream schools (often as Resource Bases and Enhanced Learning Provision), as well as the flexible use of capital receipts by the council to fund a series of projects to facilitate change both internally and to influence partners. We are fully invested in the delivery of the System of Excellence across the county and have an ambitious vision to create a truly integrated and inclusive system of outstanding education for all children and young people with special educational needs and disabilities (SEND).

On 19 November 2019 Cabinet approved the establishment of a new maintained special school with a single leadership team for the existing St Nicholas, Rowde and Larkrise schools, and this happened in September 2020 with the new school now being known as Silverwood. At that time Cabinet also approved the expansion of Silverwood to accommodate up to 400 pupils as part of the new special school by September 2023. The Rowde development is on track to open in Autumn 2023. Cabinet also approved that the sites of St Nicholas and Larkrise stay in use until the new provision be ready, and it would be appropriate to consider children/young people transitioning to the new site at Rowde.

In 2019, Wiltshire Council allocated £3.6million of capital funding to fund 50 additional places for Silverwood School under the scheme 'Phase 5 capital works'. Based on the council's latest estimates of specialist school places, taken together with the wishes of the Silverwood leadership team, it is recommended that this funding is prioritised to secure sufficient places in Silverwood School Chippenham and Trowbridge campuses.

This report seeks Cabinet approval to invest in Silverwood School Chippenham and Trowbridge campuses; and to launch a formal consultation on changes arising from the proposed redesign and refurbishment of them.

The proposal to invest in the substantial refurbishment of Chippenham and Trowbridge campuses is essential if Wiltshire Council is to meet growing demand for special school places. Place planning modelling has indicated that Wiltshire Council needs a 7.2-7.8% increase in provision (equating to 68 special school places) year on year to meet the growth. The top item on the Council's strategic risk register is: "Unable to meet demand for special educational needs or disability (SEND) school provision". The proposal secures Chippenham and Trowbridge's long-term future as Silverwood Special School campuses for 75 pupils per site. The remodelling of the campuses requires a reduction of the current number of both classrooms and pupil numbers, to comply with modern standards of provision and provide equity with the high quality of facilities at the Rowde site. The refurbishment proposals for Chippenham and Trowbridge reduce the number of classrooms at each campus and therefore the age range accommodated also needs to be modified. It is proposed that both sites become Primary phase campuses.

If the proposed scheme is approved, the reduction in the number of classrooms and the operating model would require the launch of formal consultation on:

- i) the proposed change from all-through to Primary phase campuses at Chippenham and Trowbridge. There would be insufficient classroom space to deliver Secondary provision on these campuses; and
- ii) a change (reduction) in pupil numbers at Chippenham and Trowbridge campuses to address capacity issues.

It is proposed that all Secondary and post 16 education will be offered at Silverwood Rowde campus only, as there is space to accommodate higher numbers of Secondary learners, as well as more classrooms to support the more specialist Secondary syllabus, e.g. science and art classrooms. As part of the proposed new operating model, Chippenham, Trowbridge and Rowde campuses will all provide Primary age provision; complemented by an all-through offer (Reception to Sixth Form) at Silverwood Rowde. Learners with SEND will be able to replicate the mainstream experience, whereby children attend the local Primary school, followed by the more extensive Secondary school experience at Rowde campus only.

The proposed reduction in pupil numbers on site and the modification of age range, necessitates formal consultation and aligns with Cabinet's commitment to consult with current and future stakeholders on how it would be appropriate for children and young people to transition to the new site at Rowde.

Silverwood School will continue to provide a hybrid Sixth Form offer, whereby it supports mainstream colleges with their offer, alongside in-house Sixth Form provision for young people with more complex and profound needs at Rowde and Poplar.

## **Proposals**

It is recommended that:

- I. Cabinet meets its commitments made in November 2019 to consult on the future of the Silverwood School campuses, taking account of the forecast demand for special school places in Wiltshire and the views of current and future stakeholders and, in particular, children and young people with SEND and their parent carers.
- II. Cabinet approves the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November 2018) to launch a formal consultation on the proposed change to Silverwood School pupil numbers and the change in age range on the campuses. The proposal would create 75 Primary school places (Reception to Year 6) at the Chippenham campus and 75 Primary school places (Reception to Year 6) at the Trowbridge campus.

The consultation will be on the change of use of Chippenham and Trowbridge campuses (from all-through to Primary) and a change (reduction) in Silverwood pupil numbers. A consequence of this proposal is Silverwood Rowde would become the sole campus offering Secondary education for Silverwood students.

- III. Following formal consultation, Cabinet considers the proposal to retain and refurbish Silverwood School Chippenham and Trowbridge campuses, funded from pre-approved 'Silverwood Phase 5' capital funding.
- IV. Decision-making in respect of implementing the proposals in respect of Silverwood School is delegated to the Director of Education & Skills.
- V. Silverwood Phase 5 capital funds are already approved and delegated to the Director of Education & Skills. It is recommended that the Director can apply the capital funds in the refurbishment and fit out of Chippenham and Trowbridge campuses to deliver equity of provision (in shared spaces, finishes and fittings, furniture, and equipment) with specifications for the new build at Rowde campus. The Director of Education & Skills is authorised to apply some of the Phase 5 delegated budget, if necessary, facilitate works at the adjacent schools at Hardenhuish (Chippenham campus) and Paxcroft (Trowbridge campus) to support Silverwood students in accessing outdoor recreational and PE space, to better meet space planning standards and more inclusive play opportunities.

## **Reason for Proposals**

The proposal to invest in the substantial refurbishment of Chippenham and Trowbridge campuses is required if Wiltshire Council is to meet growing demand for special school places. The proposal is a very cost-effective solution to increasing Silverwood School provision by 150 places.

It is equally important to grow the school offer for learners with SEND. Through an investment in, and retention of, Silverwood School Chippenham and Trowbridge campuses, children with SEND will be able to access local Primary-age provision; complemented by an all-through offer (Reception to Sixth Form) at Silverwood Rowde.

Families with SEND will be able to replicate the mainstream experience, whereby their children attend the local Primary school at Chippenham, Trowbridge or Rowde campuses followed by the more extensive Secondary school experience at Rowde campus only. Silverwood School will continue to provide a hybrid Sixth Form offer, whereby it supports mainstream colleges with their offer, alongside in-house Sixth Form provision for young people with more complex and profound needs at Rowde and Poplar.

#### Conclusion

The proposals deliver significant cost savings (place and transport costs) when compared with Independent Special School alternatives. It also satisfies a growing demand for special school places.

**Terence Herbert**  
**Chief Executive**

**13 December 2022**

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**Subject: Proposal to Retain and Invest in Silverwood School  
Chippenham and Trowbridge Campuses**

**Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Leader for  
Children's Services, Education and Skills; and  
Cllr Jane Davies Cabinet Member for Adult Social Care, SEND  
and Inclusion**

**Key Decision: Key**

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### **Purpose of Report**

1. The proposal to invest in the substantial refurbishment of Silverwood School Chippenham and Trowbridge campuses is required if Wiltshire Council is to meet growing demand for special school places. Place planning modelling has indicated that Wiltshire Council needs a 7.2-7.8% increase in provision (equating to 68 special school places) year on year to meet the growth projections. The highest risk on the Council's strategic risk register is: "[Inability] to meet demand for special educational needs or disability (SEND) school provision".
2. It is equally important to grow the school offer for learners with SEND. It is proposed that Chippenham and Trowbridge will provide Primary age provision; complemented by an all-through offer (Reception to Sixth Form) at Silverwood Rowde. Families with SEND will be able to replicate the mainstream experience, whereby their children can attend the local Primary school at Chippenham, Trowbridge or Rowde campuses followed by the more extensive Secondary school experience at Rowde campus only. Silverwood School will continue to provide a hybrid Sixth Form offer, whereby it supports mainstream colleges with their offer, alongside in-house Sixth Form provision for young people with more complex and profound needs at Rowde and Poplar.
3. There are many practical reasons for refurbishing Chippenham and Trowbridge campuses above other potential sites. The infrastructure for the special schools is already in place, e.g., hygiene rooms, minibus parking, sensory spaces, hoists etc. A refurbishment project would be cheaper and quicker to implement than alternatives, as the infrastructure exists to support special school activities.
4. More importantly, the project team feels there will be a high level of support for this proposal. Keeping the three sites open offers parents and carers more choice – something they asked for in the 2019 consultation exercise. Retaining Primary provision at these campuses will also reduce the stress of un-necessary transition between schools for these vulnerable learners and will reduce travel times for Primary aged children.
5. Since the 2019 consultation, the demand for special school places – at Silverwood and across Wiltshire – has grown significantly. Whilst it was originally envisaged that Silverwood Rowde campus might, in time, meet all the Silverwood place needs, we now know that the approved development plans for the Rowde campus cannot meet growing demand. There needs to be a Silverwood solution that accommodates the places currently delivered by Chippenham and Trowbridge campuses because Silverwood Rowde campus cannot meet this need in its entirety.

6. The proposed refurbishment of Chippenham and Trowbridge campuses will deliver greater compliance with DfE space standards for special schools. Architectural plans result in a lower, but more sustainable number of classrooms, which are closer to the space standards that will be enjoyed by students at the Rowde new build.

### **Relevance to the Council's Business Plan**

7. Demand for special educational support is rising year on year in Wiltshire. The number of requests for Educational Health Care Needs Assessments has grown from 62 to 79 per month. The number of learners with Education Health Care Plans has grown by 227 to 4,526, in the nine months to September 2022. Space planning forecasts suggest that Wiltshire Council needs to grow special school places by 7.2-7.8% (equating to 68 additional special school places) every year to meet growth.
8. The provision of additional special school places is just part of the 'jigsaw' of provision. To meet increasing demand for SEND provision, Wiltshire Council has plans to increase special school places; create more bases in both Primary and Secondary schools; and offer enhanced support for mainstream provision across all age groups. There were circa 60 special school places created for 2022/23. Special school capacity will grow in 2023/24 with additions to Silverwood Rowde, the Salisbury Academy of Inspirational Learning (SAIL), and aspirations to grow capacity at Springfields, Downlands and Exeter House.
9. All these solutions are deemed preferable to the more costly Independent Special School placements, which attract on average a £30,000- £50,000 annual premium, per place. The cost of alternative ISS provision was a key driver to invest in the Silverwood School capital programme, including the Rowde new build; works to the Rowde Old House; and the Phase 5 expansion.
10. Ensuring growth in special school capacity is a long-term priority for Wiltshire Council, as it meets a number of priority needs, such as: protecting those who are most vulnerable; ensuring that children and young people with SEND can have the best education and support, provided in good quality estate; ensuring that special education provision in Wiltshire is equitably provided; and reducing the number of pupils who must travel excessive distances to school.

### **Background**

11. In 2018, Wiltshire Council accepted the need to respond to the sufficiency of provision challenge, with the commitment to fund an additional 220 special school places by 2026, including a minimum growth of 50 places for Severe Learning Difficulties (SLD)/Complex Needs in the north of the county. There was also recognition of the need to reduce overcrowding in two of the special schools, formerly known as Larkrise (Silverwood Trowbridge) and St Nicholas (Silverwood Chippenham); as well as addressing the quality of the provision – particularly the physical condition of Larkrise and St Nicholas.
12. As part of the £38m System of Excellence, Wiltshire Council agreed to fund £3.6million for Silverwood Phase 5 works, i.e., 50 additional special school places for Silverwood School. In May 2019 Cabinet approved the closure of St Nicholas and Larkrise schools, as part of amalgamated Silverwood school and new build at Rowde. A subsequent Cabinet decision in November 2019 agreed to retain Chippenham and Trowbridge sites until it is appropriate for children to transition to Rowde. This decision left the door open on the retention of Chippenham and Trowbridge, either as a short- or long-term option.
13. This proposal seeks to amend the November 2019 decision with the permanent retention of Chippenham and Trowbridge campuses, designated for Primary age children only.



14. The 2019 proposals to Cabinet resulted in £3.6 million allocated to the fifth and final stage of the Silverwood programme. The capital was earmarked for the creation of 50 places, to take Silverwood School capacity up to 400 places. It was not stipulated how and where the remaining 50 places would be delivered. Phase 5 funding was granted for the 'provision of additional special school places based on demand for provision and feedback from key stakeholders - particularly families'.
15. Through the initial 2019 consultation period, there was evident parental preference for the retention of the Chippenham and Trowbridge sites. Informal soundings from Wiltshire Parent Carers Council and Silverwood leadership team suggest that there is still strong parental support for the retention of the two sites – although the new build at Rowde has garnered increased support in the intervening period.

## **Main Considerations for the Council**

16. The Council approved the award of £3.6million capital funds in 2019 for the creation of 50 additional Silverwood School places. It is proposed that funding is used to refurbish Chippenham and Trowbridge campuses creating 150 Primary phase places.

### **Place Planning**

17. Modelling for specialist places is updated at least annually and needs assessed using pupil numbers, future projections of specialist places based on historical datasets and birth rate data. Current projections show a requirement of 7.2% to 7.8% equating to 68 new places year on year.
18. The creation of 150 special school places – taken together with the additional places at Silverwood Rowde – will future proof the Council's plan to meet projected designated need for special school places in North Wiltshire.

### **Estimated Capital Work and timeframes**

19. Chippenham campus requires minimal infrastructure work and therefore the proposed alterations are cosmetic. The remodelled campus has the capacity to serve 75 learners. It is proposed the building will be re-decorated throughout; new furniture and fittings will be purchased to ensure parity and equity across the Silverwood learning environments. The building will be subject to a 'light touch' refurbishment, the bulk of which can be undertaken in school holidays. The refurbishment plan is representing both value and speed with minimal impact on the school, learners, and their families.
20. The Trowbridge campus requires substantial refurbishment to provide a quality learning environment for 75 children. Trowbridge works will involve the demolition and removal of old mobile classrooms; investment in enhanced mechanical and electrical infrastructure; remodelling and complete refurbishment of interior and exterior spaces. Although the Trowbridge refurbishment will consume most of the Phase 5 funding, Silverwood School are keen to preserve the Trowbridge campus as it serves the area of greatest demand for special school places in Wiltshire. There is confidence that the educational offer and outcomes will increase when capacity is reduced to a more sustainable level.
21. Due to the heavy refurbishment works at Trowbridge, if the proposed changes are accepted, there will be disruption to learning whilst refurbishment is underway. The main refurbishment will need to be scheduled after February 2024, once the planned remodelling at Silverwood Rowde is complete. Students may need to be decanted to neighbouring sites or Rowde campus to enable the refurbishment of Trowbridge, thereby causing some disruption to their education for a brief period.

22. Both Chippenham and Trowbridge proposals satisfy the wider Silverwood programme aims of delivering attractive buildings – offering safe, friendly, calm, and engaging places to learn. Classrooms will be accompanied by comparable facilities and support to that of Rowde, including: a hydro-pool, sensory rooms, therapy rooms and open outdoor space. Approval for Chippenham and Trowbridge refurbishment enables the planned closure of Silverwood satellite provision at Bellefield and Longmeadow in July 2023. Silverwood School Senior Leadership Team support the closure of Bellefield and Longmeadow satellites, as they present additional challenge for management capacity and the facilities do not offer equitable provision with the other elements of the Silverwood School estate.

### Financial Impact:

23. An indicative programme budget has been prepared with the input from the Senior Project Manager (Strategic Asset & Facilities Management Team), Footprint Architects and a Turner Townsend quantity surveyor. The indicative cost plan demonstrates that the proposed scheme can be delivered within the £3.6million allocated for Silverwood Phase 5 capital works.

<b>Capital Works Estimate</b>	<b>£M</b>
Chippenham Site	0.250
Trowbridge Site	2.750
Enabling Works	0.100
Fixtures & Fittings	0.250
Contingency	0.250
	<b>3.600</b>

24. The creation of 150 additional special school places for north Wiltshire offers a more cost-effective solution than independent special school placements (ISS) as shown in the table below.

<b>Planned Places - Silverwood Campus Proposal</b>	<b>23-24 Places</b>	<b>24-25 Places</b>	<b>25-26 Places</b>	<b>26-27 Places</b>	<b>27-28 Places</b>	<b>28-29 Places</b>
Estimated learners rising to 150 by September 2028	14	44	74	104	134	150
Sensitivity assumption - 50% avoiding ISS	7	22	37	52	67	75
<b>Planned Cost Avoidance - Silverwood Campus Proposal</b>	<b>23-24 £M</b>	<b>24-25 £M</b>	<b>25-26 £M</b>	<b>26-27 £M</b>	<b>27-28 £M</b>	<b>28-29 £M</b>
Average ISS Place cost	0.059	0.060	0.062	0.063	0.064	0.065
Average Silverwood Place cost	0.022	0.023	0.024	0.025	0.025	0.026
Costs avoided per place	0.037	0.037	0.038	0.038	0.039	0.039
Average transport savings	0.010	0.010	0.010	0.011	0.011	0.011
<b>Cumulative costs avoided</b>						
ISS	0.257	0.818	1.395	1.988	2.596	<b>2.945</b>
Transport	0.070	0.226	0.387	0.555	0.729	<b>0.833</b>

25. It is important to note that the specialist school places form part of the statutory responsibility of the Council funded by dedicated schools' grant. Savings will form part of the Council's high needs block recovery plan. The transport savings will be a local authority saving and can be forecast in the council's medium term financial strategy (MTFS) depending on the outcome of the consultation.

26. Pupil numbers are scheduled to build up over time and thus the full occupancy savings of £2.945m for dedicated schools grant and £0.833m for the local authority revenue account by 2028-29, potentially sooner, pending feasibility work. These reduced costs are inflation linked in the table above and will be recurrent after this timeframe.
27. The decision to invest £3.6m in Phase 5 expansion of Silverwood School was granted in November 2019 – this report seeks to update Members with updated needs analysis data and request these funds are re-directed into the creation of 150 Primary phase places in local community areas of Trowbridge and Chippenham. Taking updated factors; needs analysis and current average costs into account, the proposal to reassign budget to remodelling the Trowbridge and Chippenham campuses of Silverwood represents a better return on investment than the original one site proposal and significantly better value than continued reliance on the independent sector. It is, however, appropriate to proceed with savings in the MTFS following a public consultation on this proposal.

### **Main Considerations:**

28. Primarily, the main consideration is whether the proposal to retain Chippenham and Trowbridge campuses meets the needs of families of children with SEND. Back in November 2019 Cabinet responded to the consultation on the future of Silverwood School and signalled a move away from closing Larkrise and St Nicholas Schools to a three-site solution. Cabinet committed to a further consultation at a later stage in the Silverwood build programme (anticipated to be 2022/23) to consider the requirement for sites in the future, based primarily on demand and the views of stakeholders at that time. An outline consultation plan has been prepared, ready to launch in January 2023, if Cabinet approval is granted.
29. In 2019 Wiltshire Council set out that the needs and preferences of parents and carers will be key when considering the appropriateness of education pathway through Silverwood school. Whilst the new building at Rowde has the potential for up to 400 pupils, £3.6 million was allocated to deliver 50 of these in the 'Phase 5' works. In 2019, the decision was open on where and how the 50 places would be delivered.
30. There are currently 85 children on roll at Chippenham (excluding 17 Sixth formers). The proposal reduces this to 75. There are currently 112 children on roll at Trowbridge and the campus is deemed to be over-crowded. The proposal reduces this to 75. Both Chippenham and Trowbridge campuses will meet the Gross Internal Area requirements for classrooms. However, some of the shared communal space and outdoor play areas fall short of the area guidelines contained within BB104, the DfE's guidance for special school design and space. For this reason, the proposal allows funding for joint outdoor spaces with neighbouring Paxcroft and Hardenhuish Schools.
31. In November 2019, Cabinet set out the factors which would determine the future of Chippenham and Trowbridge campuses:
- demand for places forecasted at the time of the consultation.
  - taking into account the journey experience of all pupils needing specialist education provision.
  - views of current and future stakeholders and particularly children and young people with SEND and their parent carers; and
  - wider development of inclusive education for children and young people with SEND.

32. The response to the Cabinet requirements is set out below:

<b>Consideration</b>	<b>Response</b>
The demand for places forecasted at the time of the consultation	Place planning analysis highlights the 7.2-7.8% year on year growth for special school places across Wiltshire. This proposal will future-proof the Council for several years, in meeting the needs of SEND learners. It is anticipated that Primary places across Chippenham and Trowbridge campuses will be fully commissioned within a year of project completion.
Taking into account the journey experience of all pupils needing specialist education provision	<p>The proposal seeks to replicate the journey of pupils through the mainstream education system, with the development of the local Primary offer; followed by a specialist and broader Secondary offer at Rowde; with the hybrid option of Sixth Form provision at mainstream or specialist SEND settings.</p> <p>This proposal increases special school capacity by 150 places – far more than the 50 originally planned. 150 additional children will benefit from specialist education provision, as set out in their Educational Health Care Plan (EHCP).</p>
The views of current and future stakeholders and particularly children and young people with SEND and their parent carers	The views of current and future stakeholders will be ascertained as part of the pre-consultation and formal consultation exercises, planned for Jan - Mar 2023. Informal soundings from the Silverwood leadership team and WPCC suggest the proposal to retain Chippenham and Trowbridge campuses will be well received. It is unknown how the change to Primary designation will be received by children, young people, and their parent carers.
The wider development of inclusive education for children and young people with SEND	The SEND & Inclusion team have and continue to develop proposals to support the inclusion agenda, including plans to create 3 or 4 Secondary resource bases by September 2023; specialist consultancy and training support to mainstream provisions working with children and young people with SEND; and development of other pathways for SEND learners.

33. The final decision on the long-term future of Chippenham and Trowbridge campuses will need to take account of the views expressed in the proposed formal consultation, which is scheduled to conclude in March 2023. However, plans also needs to be informed by the Silverwood operating model, which encompasses a full curriculum offer and tailored SEND support – whilst remaining affordable, deliverable, and sustainable to Silverwood School. This means the Chippenham and Trowbridge education offer will need to be constrained to what is deliverable and affordable. Decision makers will need to take account of the consultation feedback, alongside Silverwood Schools' ability to implement the proposed change based on its staffing, finances, and classroom space to deliver the necessary educational offer across each campus.

## **Overview and Scrutiny Engagement**

34. A proposal to retain and invest in Silverwood School Chippenham and Trowbridge campuses was initially presented to Corporate Leadership Team and Cabinet Liaison – the latter deciding that proposed changes should be presented for Cabinet approval, prior to entering formal consultation. There has been no engagement with Overview and Scrutiny at this time. This will be included as part of the consultation process.

## **Decision making**

35. This proposal satisfies the obligation upon Wiltshire Council to meet the education needs of SEND learners requiring a special school education, as set out in their EHCPs. The proposal to expand Silverwood School to 400 places was agreed by Cabinet in November 2019. The funding for Phase 5 works (£3.6million) is already assigned to the Silverwood School capital budget.
36. However, formal consultation is required on the proposal to change Silverwood pupil numbers to address over-occupancy, as well as changing Chippenham and Trowbridge to Primary phase campuses.
37. The Cabinet decision of November 2019 set the expectation that proposals to complete the Silverwood School expansion should be subject to consultation. The proposal in this report offers an affordable plan to meet need for additional special school places and a consultation plan to satisfy the commitments made in November 2019.
38. The solution will take account of the formal consultation with children and families; alongside the operating model that can be delivered by Silverwood School. The draft consultation plans are scheduled to allow those consulted the time to give fully formed consideration and response; and to allow time to reflect consultation feedback into final plans. The proposals include two opportunities for Cabinet to decide on the proposed changes – both before and after formal consultation.

## **Safeguarding Implications**

39. There are no safeguarding implications arising from this proposal. Children and young people with SEND will continue to have their educational needs met within approved schools and settings.

## **Public Health Implications**

The proposals have a positive public health impact as they offer increased education and therapeutic services for children and young people with SEND.

## **Procurement Implications**

40. The proposed refurbishment of Silverwood Chippenham and Trowbridge campuses will be subject to approved, established procurement practices followed by Wiltshire Council Estates Team for high value procurements. This will include the use of building frameworks.

## **Equalities Impact of the Proposal**

41. A full Equality Impact assessment (EqIA) will be prepared ahead of the final proposal being taken to Cabinet, following formal consultation with children and families affected by this proposal.

## **Environmental and Climate Change Considerations**

42. The proposed refurbishment of Chippenham and Trowbridge campuses include an investment in the mechanical and electrical infrastructure of the school sites. It is anticipated that the climate and environmental impact will be improved. We will explore all funding opportunities to improve energy efficiency of the building and ways to fund renewable energy, as part of the mechanical and electrical design work.

## **Workforce Implications**

43. The proposed reduction in student numbers at Chippenham and Trowbridge campuses will result in the redeployment of some teaching and support staff across Silverwood sites. Silverwood Senior Leadership Team will commence the management of change process, with support from Wiltshire Council HR, if the necessary Cabinet approvals have been granted. Silverwood School employees who are affected by these proposals have been invited to an information session in December 2022.

## **Risks that may arise if the proposed decision and related work is not taken**

44. The proposal is dependent on the outcome of the formal consultation – with families supporting the retention of Chippenham and Trowbridge campuses, and their re-designation as Primary provisions. The consultation exercise pencilled in for January 2023 provides the opportunity to hear feedback from children and families. The proposed investment and retention in Chippenham and Trowbridge will not proceed if it doesn't win the support of Cabinet and families with SEND.
45. If the proposal to change the numbers and the age profile of Chippenham and Trowbridge campuses is not accepted, there is the risk that Rowde campus will need to expand beyond its optimal capacity (and suffer over-crowding) or that the Phase 5 expansion plan is delayed. This is not sustainable in the long term, as Wiltshire Council needs to meet the 7.2-7.8% year on year growth in demand for special school places.

## **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

46. If approved, the full refurbishment required at Trowbridge will cause disruption to students in 2024/25. The programme team will work with Silverwood leadership team to develop plans to minimise disruption and reassure families.
47. The refurbishment of existing buildings means there will be design compromises and derogations from DfE space standards, particularly with access to outdoor recreation space at Trowbridge. The derogations from BB104 have already been discussed with Silverwood and accepted. However, neighbouring schools have agreed, in principle, to support the creation of shared outdoor space for Trowbridge learners.
48. Silverwood employees have already experienced considerable change – and this proposal extends the period of change through to 2024/25. This proposal has been drawn up in consultation with the Silverwood Senior Leadership Team, thereby ensuring there is sufficient time and management capacity to manage growth of the schools; the disruption during the refurbishment; the relocation of existing employees and recruitment of additional staff; and the closure of satellites.
49. If approved, the retention of Trowbridge and Chippenham campuses creates local Primary schools and will ultimately reduce school transport times. However, the transportation of children to and from school will be disrupted during the Phase 5 works. The programme team will work with Transport Services to ensure the changes can be modelled through and optimised routes scheduled.
50. There is the risk that the £3.6 million budget for Phase 5 works is insufficient in the current climate of escalating build costs. However, there is £250k in the cost plan for contingency. If necessary, the scheme can be value-engineered to mitigate against rising costs and remain affordable.

**Financial Implications**

- 51. Should the Silverwood specialist school places not be created, more children with highest levels of need will inevitably be placed in independent special schools (ISS.) The creation of 150 additional special school places for north Wiltshire offers a more cost-effective solution than independent special school placements (ISS). Assuming an average cost saving of £0.036m per place, per annum. and assuming 75 children are being diverted from ISS to the additional Silverwood provision – resulting in reduced costs of £2.945 million per annum once each site is fully occupied. This forms part of the Councils extensive HNB recovery plan.
- 52. The SEN school transport is a local authority revenue budget pressure, potential cost savings of £0.010m per pupil per annum are calculated resulting in reduced SEN transport costs of £0.833m per annum once each site is fully occupied. Reduced transport costs are driven by Primary phase children who can be educated in or nearer their own communities and all children who can remain in county rather than in specialist independent sector places which are often outside the county borders.
- 53. The decision to invest £3.6m in Phase 5 expansion of Silverwood School was granted in November 2019. The proposal does not require additional capital funding from that already approved.

**Legal Implications**

- 54. Democratic Services have reviewed the proposals. There is agreement to take the pre and post consultation decisions to full Cabinet.
- 55. The decision to delegate decision-making in respect of implementing the proposals and applying the capital budget to the Director of Education & Skills is in accordance with the Delegation of Executive Functions at Part 3 Section C and the Scheme of Sub-Delegation to Officers at Part 3 Section D2 of the Constitution.
- 56. Proposals to change pupil numbers across the different campuses and the re-designation of Chippenham and Trowbridge campuses through a change in the age range requires formal consultation in accordance with the relevant statutory guidance.<sup>1</sup> This requirement was noted in the cabinet decision 19 November 2019.
- 57. The requirements of the statutory consultation process are summarised at Chapter 5 of the statutory guidance

Stage	Description	Timescale	Comments
Stage 1	Publication (Statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations

<sup>1</sup> Link to statutory guidance: [Making significant changes \('prescribed alterations'\) to maintained schools](#)

Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

58. The statutory guidance includes specific guidance for decision-makers in making a decision. This is reproduced below.

59. Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal - especially parents of children at the affected school(s).

60. Decisions must be made within a period of two months of the end of the representation period, or they must be referred to the Schools Adjudicator.

- When issuing a decision, the decision-maker can:
- reject the proposal.
- approve the proposal without modification.
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions (such as the granting of planning permission) being met.

## Options Considered

61. The development of options for Phase 5 expansion of Silverwood School has been an iterative process, starting from May 2019 report to Cabinet. Originally, it was proposed that Chippenham and Trowbridge campuses would be closed once Rowde campus met the expansion target set out in the original proposal. In November 2019, Cabinet stated the future of Chippenham and Trowbridge campuses was to be left open, pending further formal consultation at a later stage.

62. Since 2019 there has been the opportunity to undertake more detailed place planning work to understand demand for special school places. In addition, the new leadership team at Silverwood have had the opportunity to evaluate their operating model and have shaped the proposals for change. There has also been the opportunity to reflect on feedback from the 2019 consultation and develop options:

63. *Invest and Retain in Chippenham and Trowbridge campuses (the Proposal)*: The 2019 consultation exercise highlighted a strong parental preference to offer choice of provision and the wish to retain Chippenham and Trowbridge campuses as part of the Silverwood School offer. This proposal has been developed in response to the 2019 consultation. This proposal will be further refined following formal consultation.



64. *Do Nothing:* Chippenham and Trowbridge campuses are over-capacity and do not satisfy DfE space standards BB104. Over-capacity issues mean it is difficult to find 'break out' teaching or therapy spaces. More significantly, learners cannot access quality outdoor recreational space under current arrangements.
65. *Dispose of Chippenham and Trowbridge sites; replace with new schools:* capital receipts are expected to generate <£1million per site. It is estimated that it would cost at least £10 million to acquire special school places on alternate sites. This is unaffordable.
66. *Develop Phase 5 provision at Silverwood Rowde:* There are already plans to develop the existing estate (the Main House and Orchard Block) as part of Silverwood School Phase 3 investments. Any further growth on the Rowde site would need to be a new build – and is therefore deemed cost prohibitive at this stage.

## **Conclusions**

67. This proposal satisfies the obligation upon Wiltshire Council to meet the education needs of a growing number of SEND learners requiring a special school education. The proposal to expand Silverwood School at Chippenham and Trowbridge campuses - by creating 150 high quality places – responds to feedback from the 2019 consultation exercise. It offers an affordable and sustainable solution to SEND learners in north Wiltshire.

### **Lead Director: Lucy Townsend**

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23 November 2022

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Wiltshire Council

Cabinet

13 December 2022

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**Subject:** Future Chippenham Update

**Cabinet Member:** Cllr Richard Clewer – Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing

**Key Decision:** Key

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## Executive Summary

This report provides an update on the progress of the Future Chippenham programme since the Cabinet decision in July 2022 to pause design work subject to reaching agreement on the revised Grant Determination Agreement (GDA) with Homes England. This report recommends the Council effecting a withdrawal from the Housing Infrastructure Fund (HIF) programme based on the mutually agreed exit from the GDA.

## Proposal(s)

Cabinet is asked to:

1. Agree to the Council effecting a withdrawal from the HIF programme based on the mutually agreed exit from the Grant Determination Agreement with Homes England.
2. Agree to delegate authority to the Corporate Director of Resources/ Deputy Chief Executive in consultation with the Leader of the Council to finalise and enter into any documentation to give effect to the mutually agreed exit.
3. Subject to agreeing to withdrawal from the HIF programme Cabinet refers the recommendation to Full Council that the unfinanced costs for the programme are funded through future capital receipts.
4. Subject to agreeing a withdrawal from the HIF programme Cabinet recommends a budget allocation of £0.500m in 2023/24 to be funded by borrowing to support the work to promote the Council sites in the Local Plan review as part of the Council's Capital Programme budget setting process
5. Subject to withdrawal from the HIF programme, Cabinet agree to the removal of future HIF programme budgets funded by Grant.
6. Agree to continue to work with landowners to the South of Chippenham adjoining the Council's land holdings to achieve site allocations for the Council owned sites in the Local Plan review as part of an overall masterplan.

7. Agree to enter into a Legal Agreement to allow access to the Rawlings Farm development via the Council's land at Darcy Close and the cycleway.
8. Agree to delegate authority to the Corporate Director of Resources/Deputy Chief Executive in consultation with the Leader of the Council to enter into any such Legal Agreement regarding access to Rawlings Green.

### **Reason for Proposal(s)**

Following Cabinet's decision in July 2022 to seek to negotiate an exit from the Grant Determination Agreement for HIF funding where a revised GDA with Homes England or the Local Plan review does not support the Future Chippenham programme proposals, discussions have been taking place with Homes England while design work on the programme has been paused.

A mutually agreed exit from the GDA that reflects the Cabinet decision of July 2022 has been agreed with Homes England and thus this report seeks Cabinet agreement for the Council to effect a withdrawal from the HIF programme based on the terms set out in paragraph 7 of the main report.

This report sets out an appraisal of the options available to the Council at this point in time solely in its capacity as a landowner, and is entirely separate from its role as the Local Planning Authority (LPA). Based on that appraisal it is recommended that the Council continues to work with adjoining landowners to the South of Chippenham to masterplan and promote the sites as part of the Local Plan review process.

To enable compliance by the developer of Rawlings Green of the conditions in relation to the access obligations contained within planning permission (15/12351/OUT).

**Terence Herbert**  
**Chief Executive**

## Wiltshire Council

### Cabinet

13 December 2022

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**Subject:** Future Chippenham Update

**Cabinet Member:** Cllr Richard Clewer – Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing

**Key Decision:** Key

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### Purpose of Report

1. The purpose of the report is to seek authority to effect a withdrawal from the Housing Infrastructure Funding (HIF), programme based on the mutually agreed exit from the Grant Determination Agreement (GDA) with Homes England, that reflects the Cabinet decision of July 2022.

### Relevance to the Council's Business Plan

2. The Future Chippenham Programme directly supports the Council's business plan to deliver vibrant well-connected communities.

### Background

3. At its meeting on 21 July 2021 and following the outcome of public consultation, Cabinet agreed to seek a revision to the GDA with Homes England that provided HIF funding for the Future Chippenham programme. Cabinet agreed a preferred road route for a southern section and discussions took place with Homes England on a revised GDA whilst design work continued on that revised scheme with funding for that work incurred at risk. Despite ongoing discussions with Homes England, agreement on a revised GDA was not reached.
4. In July 2022, Cabinet reaffirmed its position on the South scheme and resolved to pause the Future Chippenham Programme while seeking to conclude a mutually agreed exit from the GDA. This was because any HIF funding would have to be defrayed within the HIF availability period, which runs until March 2025. To be able to achieve that timeline the Council would need to procure the road construction contract, archaeological investigations and progress with the masterplan, land assembly and consultation. The estimated costs of the southern distributor road exceeded the £75 million HIF funding contained in the original GDA and in addition the Local Plan review timeline has been delayed further. The work required to progress the programme would expose the Council to significant financial risk and it will not be possible to deliver the programme within the HIF availability period.

5. Pursuant to the July 2022 Cabinet decision, there are a number of options available to the Council in a scenario where Homes England would not provide grant funding for the revised Future Chippenham scheme. This report sets out to describe the options and seeks to at a high level, estimate the desirability, viability and feasibility for each option so that any recommendation(s) can be taken forward for additional investigative work.

### **Main Considerations for the Council**

6. As reported previously, the financial risk to the Council of implementing the original GDA scheme or the revised southern only scheme is considerable. In addition, the current Local Plan review timetable means that the Council would now be unable to defray in full the HIF funding within the HIF availability period thus placing additional financial burden on the Council. Therefore, a mutually agreed exit from the GDA for the Council and Homes England has been established and the delegation sought will allow the Council to finalise and enter into any documentation to give effect to the exit agreement
7. Homes England have confirmed that, subject to the Council requesting a withdrawal from the GDA and HIF programme, the Council will not be required to repay the HIF funding of £6.413m (including capacity funding) claimed to October 2021. In addition, the Council will be able to claim £2.569m of the £5.139m that the Council incurred to continue working on the southern only scheme post July 2021. The Council incurred an additional £1.371m to acquire land from Wiltshire College and University Centre at the Lackham roundabout to safeguard potential access to the Council sites if they receive allocations as part of the Local Plan review. That asset remains in the Council's ownership and is not subject to the exit agreement as it was not funded by HIF monies.
8. The Council will have a balance forecast at £1.848m that will need to be financed due to withdrawing from the HIF programme. These costs reflect the internal project costs and external fees for the road and masterplan design, internal salary costs, legal fees (licences, landowner costs, compulsory purchase order), road ground investigations, communications and engagement and venue hire that took place over the last year that are over and above the approved £1.000m borrowing budget and Grant received and forecast to be received from Homes England. Subject to the use of that work to support a scheme if allocated as part of the Local Plan review those costs will likely not be abortive. Cabinet recommends to Full Council that these costs are funded from future capital receipts.
9. Subject to Cabinet agreeing the mutually agreed exit from the GDA, the Council has more discretion over the scheme it wishes to promote and the timeframe which will both be subject to the Local Plan review. The following table and subsequent narrative sets out a high-level options appraisal of the existing options available to the Council for its land holdings in the southern scheme. The options appraisal uses a ranking mechanism from 1 to 4 with 1 scoring low and 4 scoring high.

Option	Costs to WC for scheme development	Level of development control by WC	Capital receipt to WC	Total
Option 1: Do Nothing / Council Land banks	4	2	1	7
Option 2: Council explores alternative land use proposals on own Southern land	1	4	2	7
Option 3: Council sells some or all land at the Southern site, with no further involvement	3	1	3	7
Option 4: Council works with landowners to the South of Chippenham to achieve allocations in the Local Plan review	2	3	4	9

10. **Option 1: Do Nothing / Council Land Banks.** The Council would not seek to progress any additional scheme design work / further develop its land South of Pewsham Way for the forthcoming Local Plan period.

11. This option has the least cost to the Council to progress and so is ranked highest for this criteria.

12. This option will not deliver any development in the short term and will not influence or secure site allocation or development subject to the Local Plan review, although it may offer some influence over site allocation and development in future plans. Therefore a lower score has been applied to this criteria.

13. It does not deliver a capital receipt therefore scored the lowest on this criteria.

14. Under this option the Council would continue to lease the land to farming tenants, thereby generating revenue and any costs already incurred and not funded by Homes England would need to be found from revenue as abortive costs.

15. **Option 2: Council explores alternative land use proposals on Southern land.** This option envisages the Council assessing what alternative uses could be appropriate for the land such as extending the country park, a solar farm or other. It would require the Council to fund the costs of developing options in its entirety which may not generate a capital receipt, or one that would make a significant impact on the repayment of costs already incurred. This is given the lowest score due to higher costs required.

16. The Council would have control over what was developed subject to Local Plan review and so scores highest in this criteria.

17. This option does raise the risk of the outstanding costs being abortive.
18. **Option 3: Council sells some or all land at the Southern site, with no further involvement.** This option envisages the Council selling the land with an overage clause for any development not reflected in the purchase price. It is anticipated that purchasers would include farmers, developers looking for Biodiversity Net Gain (BNG) Credits and those hoping to secure an allocation for development in the Local Plan.
19. The Council would incur the second least level of upfront investment in pursuing this option but would have little or no influence over the design of any development, subject to the Local Plan review. The option runs the risk of prejudicing master planning and infrastructure led development.
20. This option would deliver a capital receipt but a risk remains that development costs may be abortive and charged to revenue.
21. **Option 4: The Council works with landowners to the South of Chippenham adjoining the Council's land holdings to achieve site allocations in the Local Plan review as part of an overall masterplan.** Developing this option to the next stage will incur estimated costs to the Council of £0.500m subject to the extent of any information required by the LPA and thus is ranked accordingly.
22. Depending upon the nature of the mechanism for collaboration with the other landowners, the Council will have a reasonable amount of control over the design of the development, subject to the Local Plan review.
23. If an allocation for development under the Local Plan review is forthcoming, then the Council will receive a substantial capital receipt, subject to the costs of infrastructure, the number of homes allocated, any allocation conditions and the level of design control it wants to exert.
24. On the basis of the high-level ranking of options this option is recommended to be pursued at this point in time. If this option does not prove deliverable than the Council could fall back to option 3.

### **Overview and Scrutiny Engagement**

25. Overview and scrutiny has been engaged with and a briefing is scheduled to take place prior to the Cabinet meeting.

### **Safeguarding Implications**

26. There are no safeguarding implications at this stage

### **Public Health Implications**

27. There are no public health implications at this stage



## **Procurement Implications**

28. All procurement associated with the project will take place within the Council's procurement and commercial strategy and in conjunction with the Council's procurement team.
29. Whilst Cabinet considers the recommendations in this proposal, all intended procurement exercises have been paused to mitigate any potential reputational issues arising should prospective tenders need to be withdrawn from the market.

## **Equalities Impact of the Proposal**

30. There are no direct equality impacts from this report. However, should the Future Chippenham programme not proceed, there is a potential risk that a reduced level of affordable housing being available in Chippenham with a lack of connectivity to the town centre and community infrastructure within the development area.

## **Environmental and Climate Change Considerations**

31. As this report is to recommend effecting a withdrawal from the HIF programme based on the mutually agreed exit from the GDA, there are no direct environment or climate change considerations to be made at this stage. The Council will have full regard to all relevant environmental and climate change legislation and requirements in the Local Plan process as the project progresses. The project is cognisant that local planning policy may have requirements on how any development takes place and will, where required, comply with these.

## **Risks that may arise if the proposed decision and related work is not taken**

32. If the Council continues the necessary work to progress the Future Chippenham programme without an agreed revised GDA and without agreeing a mutual exit from the GDA then it will expose itself to significant abortive work and financial risk, including the possible repayment of the entire HIF spend to date.
33. If the Council continues with the current GDA, the availability period for HIF funding to be defrayed by March 2025 would result in an unacceptable financial and programme risk in light of the Local Plan review timetable. The current GDA also commits the Council to delivering 7,500 homes, when Cabinet has already resolved to develop the South scheme due to land assembly and construction constraints.
34. If further design work on the scheme is halted, resulting updated representations to the Local Plan review may not meet the Local Plan

timetable. Similarly if design work on the proposed development ceases the Council's internal project costs and external fees that are subject to the use of that work to support a scheme if allocated as part of the Local Plan review may be abortive.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

35. The southern site may not be allocated in the forthcoming Local Plan review. To mitigate this the Council has agreed to work collaboratively with the southern landowners to enable the site to be masterplanned holistically, employing the process set out in the Government's Garden Communities Toolkit: <https://www.gov.uk/guidance/garden-communities/masterplanning>. If after collaboration with the southern landowners the allocation is not forthcoming, further mitigation for the Council would be to employ option 3 outlined in this report and sell part or all land holdings to the South of Chippenham.
36. Subject to further design work, if any infrastructure constraints or any planning conditions imposed on the southern allocation result in the scheme becoming unviable, mitigation for the Council would be to employ option 3 outlined in this report and sell part or all land holdings to the South of Chippenham.

### **Financial Implications**

37. In delivering the Future Chippenham programme to date, the Council has committed a forecast spend of £11.984m. Based on the agreed exit strategy and existing approvals £9.136m of this can be financed by Grant and £1.000m can be financed by borrowing. Based on the current forecast this will leave a balance of £1.848m that needs to be financed. Under the recommended option 4 the costs can still be capitalised as the scheme is progressing and will deliver an asset. A substantial capital receipt is also forecast if an allocation for development under the Local Plan review is forthcoming. Cabinet and Full Council are therefore recommended to finance the balance of costs currently forecast at £1.848m from future capital receipts. The future years budgets funded by Grant will be removed from the programme.
38. If capital receipt is not received or at the level required the expenditure will be required to be funded by borrowing. This would require a report back to Cabinet for approval to set out the revenue implications.
39. Cabinet recommends to Full Council a budget allocation of £0.500m in 2023/24 to be funded by borrowing to support the work to promote the Council sites in the Local Plan review. The revenue implications of this will be circa £0.050m in 2024/25 and will need to be included in 2023/24 Budget setting process if approved.
40. In the event the programme does not progress a review would need to be undertaken on what has been delivered and whether the expenditure can still be classified as Capital. If delivery of an asset cannot be demonstrated the

costs become abortive and would transfer to revenue. This would require a report back to Cabinet.

### **Legal Implications**

41. This report is providing an update on the progress of the Future Chippenham programme and representations provided on the Local Plan review since the Council decision in July 2021 to seek an amendment to the Grant Determination Agreement with Homes England to fund a programme to the south of Chippenham.
42. Leading Counsel's advice was sought on the Council's option to mutually agree an exit from the GDA.
43. Legal Services will continue to advise on the terms of the mutual exit from the GDA and any resulting implications for the Council. Whilst the terms of the mutual exit have been agreed in principle, it would be advisable for the detailed terms to be included in a legal document so that any contractual obligations are legally terminated.

### **Workforce Implications**

44. There are no workforce implications at this stage.

### **Options Considered**

45. The Council could do nothing with its land, not seeking to progress any additional scheme design work or further development. Although future scheme design costs would be minimal, the Council would not retain any influence on localised housing delivery subject to the Local Plan review, and there would be no capital receipt through land or housing sales. The Council may also be required to serve notice on Wiltshire College and University Centre that it has formally abandoned the project which would trigger commencement of the recovery of the advance payment on land at Lackham. Therefore, this option is not recommended.
46. The Council could explore alternative uses for its land, including commercial schemes. Further investigative work would be required to develop the options which the Council would need to fund. Although this may produce a capital receipt, it would likely result in a permanent change of use of the land meaning that it could not then be used for residential development in the future. The Council may also be required to serve notice on Wiltshire College and University Centre that it has formally abandoned the project which would trigger commencement of the recovery of the advance payment on land at Lackham. Therefore, this option is not recommended.
47. The Council could sell some or all of its land holdings in the South of Chippenham. Although future scheme design costs would be minimal, the Council would not retain any influence on localised housing delivery subject to

the Local Plan review. The Council would receive a capital receipt upon selling any land, with the potential for future capital receipts if additional land is sold or, assuming that the Council has imposed overage on the land it has sold. An overage obligation requires a buyer to make further payments, representing a share of the increased value of the land sold, after the occurrence of any agreed trigger event. The Council will not have any control over when a trigger will occur (if it occurs) so additional payments may not be guaranteed. The Council may also be required to serve notice on Wiltshire College and University Centre that it has formally abandoned the project which would trigger commencement of the recovery of the advance payment on land at Lackham. This option is not recommended, however should be considered as a fall-back option subject to further scheme design and the Local Plan review.

48. The Council as landowner could work with landowners to the South of Chippenham to achieve allocations in the Local Plan review. Although collaboration with landowners on scheme design will result in additional development costs to the Council, this option would support the promotion of the Council's land to influence the delivery of quality development as part of the Local Plan review. By working collaboratively with landowners to secure site allocations the Council will retain a degree of control and influence over any development, depending on the mechanism of collaboration and subject to any forthcoming allocation in the Local Plan review. The details of any collaboration agreement with landowners in the South would be reported to Cabinet for approval in 2023. If the Council is minded to support the promotion of its land to the South of Chippenham to secure quality development as part of the Local Plan review, then this option is recommended. If this option does not prove viable then the Council would fall back to support option 3.

## **Conclusions**

49. Following the Cabinet's decision in July 2021 to seek a revision to the GDA with Homes England to support a southern only road route, and then in July 2022 to pause design work, discussions have been taking place with Homes England. The Council is now in a position to effect a withdrawal from the HIF programme based on the mutually agreed exit from the Grant Determination Agreement with HE.
50. In order to comply with Cabinet's resolution of July 2021 and July 2022 to promote the land to the South of Chippenham, authority is sought to agree to continue working with landowners adjoining the Council's land holdings to achieve site allocations as part of a master-planned approach for the forthcoming Local Plan review.
51. Subject to agreeing to withdrawal from the HIF programme Cabinet recommends to Full Council that the unfinanced costs for the programme are funded through future capital receipts.
52. A capital allocation of £0.500m is sought in the Council's 2023/24 Capital Programme to progress the work to promote the Council's site as part of the Local Plan review.

53. The full proposals are set out in the summary section at the front of this report.

**Simon Hendey (Director - Assets and Commercial Development)**

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Date of report: 05 December 2022

**Appendices**

None

**Background Papers**

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

None

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