

Wiltshire Council

Council

23 February 2015

Public Questions

From Mrs Anne Henshaw

To Baroness Scott of Bybrook OBE, Leader of the Council

At the Cabinet meeting of 15 December 2015 CPRE asked the following question:

In the light of comments made in the letter of 16 November 2015 from the Inspector of the Chippenham Site Allocations Plan what is the current position of the Cabinet Member for Planning (strategic and development management) property, waste and strategic housing?

The Minutes of that Cabinet meeting state:

“In response to a supplementary question considering as to whether the Cabinet Member’s responsibility for both Property and Strategic Planning represented a conflict of interest, the Council’s Monitoring Officer stated that he continued to take the view there is no conflict, as both roles are separate. In addition, the Leader asked that the Monitoring Officer write to Mrs. Henshaw to further explain his advice on this matter. Cllr Sturgis added that the decision to adopt a plan was not his to take alone and the final decision rested with Full Council”

Despite emails dated 3rd January and 17th January requesting the response asked by the Leader, no explanation of the view of the Monitoring Officer has been received.

Response

I can confirm that the Monitoring Officer has now sent a response explaining his view on the issue with an apology for the delay, which has been due to pressing work commitments.

My questions to you today are:

Question (P16/01)

1. Were all Council members made aware that considerable amounts of land in Council ownership were part of the negotiations relating to the developments on the eastern side of Chippenham when they took the final decision and

agreed the flawed Plan which went before the Inspector, and are all Council members aware of the implicit closeness of the positions between Property and Strategic Planning in the above case and others, and comfortable with the situation where one member holds the key portfolios for Planning (strategic and development management) property, waste and strategic housing?

Do you not realise just how tendentious this can be seen in the eyes of the public, your voters?

Response

Land ownership was not a consideration in the decision to submit the Chippenham DPD for Examination. However, the issue of the Council's land ownership was raised in questions to the Council at the meeting on 14 July 2015.

Question (P16/02)

2. Do you accept that the Cabinet system develops and protects the development of these powerful portfolios with the result that when questioned by members of the public the reaction is to ignore the question as it dares to challenge decisions of an inner political circle.

If there is no conflict of interest in the portfolios then mine is a straightforward question to answer. Why have I had to wait two months to hear nothing. This is discourteous at the least and smacks of an attitude which I and other members of the public find undemocratic and exclusionary. I urge members to seriously consider the issue I have raised and consider its implications with the public and their own futures.

Response

As stated above the Monitoring Officer has now written to Mrs Henshaw setting out the basis of his consideration of the issue raised regarding the Cabinet Member's responsibilities and has apologised for the delay which has resulted from work pressures in his office.

The role of the individual Cabinet Member responsible for strategic planning within the decision making process is to submit the report and draft plan for consideration by Cabinet, who then collectively make their recommendations to full Council. Full council then collectively makes its decision on referral of the plan for examination based on all the relevant factors before it. The plan is then considered by an independent inspector through the examination process. The fact that the Cabinet Member has dual responsibilities therefore has no material bearing on the decision making process.

Supplementary statement

I have been made aware of the changes made at the Cabinet meeting on 9th February with regard to portfolio responsibilities. No doubt you are all aware of the wording. If Cllr. Sturgis's areas of responsibility were not viewed as a conflict, why was I not informed accordingly in writing by the Monitoring Office giving reasons for that answer immediately following the December Cabinet meeting?

May I have clarification, set out in writing, as to the precise difference in the relationship between Strategic Property and Strategic Planning portfolio holders roles within the spatial planning team.

Response

Notwithstanding the above position the Leader has made a change to cabinet portfolio responsibilities under which the Cabinet Member for Economic Development, Skills and Strategic Transport takes on responsibility for strategic property to provide greater clarity and focus in the exercise of the Council's function as landowner.

The strategic property responsibility involves oversight of the service which deals with all strategic property on behalf of the Council in accordance with the Constitution, reporting to the Cabinet Capital Assets Committee or Cabinet as required. For these purposes strategic property includes any land of strategic significance to the council, normally having a value in excess of £ 250,000. Operational use of property remains with the Cabinet Member for Strategic Planning and Waste.

Strategic planning includes oversight of the service that considers issues related to the development and implementation of planning policy matters. Decisions in this regard are reserved either to the Strategic Planning Committee (which is a non-executive committee) or to full Council as part of the policy framework.

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Public Questions

From Ms Krystyne Freeman

To Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

Question (P16/04)

With regard to the recent granting of PEDL(Petroleum Exploration and Development Licence) licences in Wiltshire

As residents of Wiltshire, we are all aware that unusually our county contains over 300 square miles of MOD training grounds which are active for an average of 340 days per annum.

MOD training activity involves many heavy impacts from mortars, rockets, mines and heavy artillery. Consequently, the chalklands and surrounding areas are already subject to primary and secondary seismic waves and geological disturbances that are traceable both above and below ground. These surface and underground waves generally possess robust spatial coherence and travel vast distances. Chalkland is particularly easy for seismic waves to travel through. Maintenance & repairs to water supply pipes & couplings feeding farms & homes across the Plains are already a constant & expensive activity.

The consequences of existing military activity and new drilling/explosive fracking activity acting together are unknown. The MOD act within strict safety parameters but even they are subject to miscalculations. (Patney, Devizes. 2014).

Given that potential PEDL sites (and their chemical and drilling tools) fall within this area and will therefore be affected by these regular seismic disturbances, **what monitoring guarantees can WC give to its residents regarding seismic security given that there is no precedent in such a scenario globally, let alone nationally?**

Response

The award is for a Petroleum Exploration and Development License (PEDLs) that covers any hydrocarbon. The licenses for these blocks will contain conditions that prohibits all or specific activities in parts of the block to protect ecological sites. The award of a PEDL does not of itself give permission for operations to begin. The necessary planning and regulatory consents will be required before development can take place. All proposals will be scrutinised by the Environment Agency, and by the Health and Safety Executive (HSE).

The licenses do not grant planning permission which is the role of Wiltshire Council, as Mineral Planning Authority, or Government should an application be called in. Wiltshire Council has not received a planning application to date.

Wiltshire Council cannot comment on the potential impact of hypothesised seismic effects on a site, since no planning application has yet been received.

In the event that a planning application is received, Wiltshire Council will ensure all statutory authorities are consulted including the MoD if appropriate and if there is a requirement that the developer undertakes any form of monitoring, any planning permission granted would contain a condition to cover this.

Further information and guidance on PEDL licensing can be found here- [https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing- fracking/developing-shale-oil-and-gas-in-the-uk](https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking/developing-shale-oil-and-gas-in-the-uk).

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Public Questions

From Mrs Philippa Clarke

To Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

Question (P16/05)

I would like to ask the following question please, in respect of the licences granted for exploration of coal bed methane in this area:

The evidence, coming from existing explorations in America and Australia, indicates serious dangers to health. Known carcinogens are used in the process, which can enter the drinking water causing sensory, respiratory and neurological damage. Under the Council's Duty of Care, how can the Council protect the health of the population of Wiltshire if the proposed exploration and subsequent mining for coal bed methane is allowed to proceed?

Response

In regard to the award for a Petroleum Exploration and Development License (PEDLs), licenses for these blocks will contain conditions that prohibits all or specific activities in parts of the block to protect ecological sites. The award of a PEDL does not of itself give permission for operations to begin. The necessary planning and regulatory consents will be required before development can take place. All proposals will be scrutinised by the Environment Agency, and by the Health and Safety Executive (HSE).

The licenses do not grant planning permission which is the role of Wiltshire Council, as Mineral Planning Authority, or Government should an application be called in. Wiltshire Council has not received a planning application to date.

During drilling, well operators have a legal duty to manage and control the risks to people. The HSE monitors well operations to check these legal duties are carried out. Its specialists will check construction matches the design by reviewing the weekly operations reports it receives from the well operator. HSE intends to jointly inspect drilling and fracking operations with the Environment Agency during the exploratory phase. HSE inspectors can visit any site at any time if there is a matter of concern.

The Environment Agency will monitor the environmental impacts and inspect the operator's reports. The greater the potential risk, the greater the scrutiny. Conditions attached to permits will set out the minimum level of site-based monitoring and reporting.

Ref P16/05

The Council, as the Local Planning Authority would be responsible for enforcing any conditions attached to a planning permission. For example, this may include monitoring of noise or dust levels.

Further information and guidance on PEDL licensing can be found here- [https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-
fracking/developing-shale-oil-and-gas-in-the-uk](https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking/developing-shale-oil-and-gas-in-the-uk).