

## **Wiltshire Council**

### **Cabinet**

**29 March 2022**

### **Agenda Item 5 – Public Participation and Questions from Councillors**

**Question from: Cllr Martin Smith (Sherston Division)**

**To Councillor : Nick Botterill, Cabinet Member for Development Management, Strategic Planning and Climate Change**

#### **Statement**

- We are all aware of the difficulties affecting the Planning team over the last year or so caused by staffing issues, increases in the numbers of planning applications caused in part by Wiltshire Council's lack of a five year housing land supply
- Reassurance on staffing was given by the Cabinet member for Planning at the Cabinet meeting of 11<sup>th</sup> January 22.
- Since then anecdotal experience suggests that the backlog in applications is not getting any smaller and that many residents are having to wait over the statutory 13 weeks, in which an application for major development should be determined
- When an extended period has been agreed with the applicant, the government's policy is that the decision should be made within 26 weeks at most in order to comply with the planning guarantee

#### **Question 1 (22-053)**

How many planning applications are currently in progress across Wiltshire (i.e. not Closed)

#### **Response**

1,975 'live' (that is, not closed) applications

**Question 2 (22-054)**

How many planning applications are currently in progress across Wiltshire which have a valid date more than 13 weeks ago?

**Response**

825 applications

**Question 3 (22-055)**

How many planning applications are currently in progress across Wiltshire which have a valid date more than 26 weeks ago?

**Response**

475 applications

In response to questions 1, 2 and 3, it is important to note that there are various reasons for applications to remain 'not closed'. These include, for example, on-going negotiations with applicants to address issues (this will often be at the applicant's request and with an agreed 'extension of time' for determination), on-going work to finalise S106 agreements where applications have a resolution to approve, and where there are appeals. It follows that although the Council is processing high numbers of planning application at this time, caution should be exercised in using the above figures as evidence of this.

**Statement**

I understand that the green coloured notifications for planning applications are no longer going to be posted in the vicinity of the site under consideration. This was a temporary measure taken during the Covid lockdowns and is now being made permanent

Recent experience suggests that impacted residents are not aware of even large planning applications for multiple houses in their area

**Question 4 (22-056)**

How will Wiltshire Council ensure meaningful consultations on planning applications can take place, if residents are not aware of them?

## **Response**

The Town and Country Planning (Development Management Procedure) (England) Order sets out the requirements for publicity for applications for planning permission.

The Order requires applications for EIA development, for development that does not accord with the development plan, or for development which would affect a right of way to be publicised by site display (the 'green site notices') and by publication of a notice in a newspaper circulating in the locality.

The Order requires applications for 'major' development to be publicised by site display or by serving a notice (the 'neighbour letter') on any adjoining owner or occupier; and by publication of a notice in a newspaper circulating in the locality. The Order requires other applications to be publicised by site display or by serving the notice on any adjoining owner or occupier.

The Town and Country Planning (Listed Buildings and Conservation Areas) Act sets out the publicity requirements for planning applications that would affect the setting of a Listed building or the character and appearance of a conservation area. In such cases the Act requires publicity by way of site display and a notice in a newspaper circulating in the locality.

Wiltshire Council complies with these publicity requirements by serving notices (the neighbour letter) on all adjoining owners or occupiers to an application site and by site display (the green site notices) and newspaper notices where the above legislation specifically requires site display in addition to the neighbour letter. Site display is not carried out where this is not required in addition to serving notices.

The legislation effectively defines what are "meaningful consultations". It follows that by complying with the legislation Wiltshire Council is fulfilling meaningful consultations.

## **Question 5 (22-057)**

How is Wiltshire Council going to ensure that local communities are aware of planning applications going forward?

## **Response**

See answer to question 4.

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**Question from: Cllr Clare Cape (Pewsham Division)**

**To Councillor : Richard Clewer, Including Finance and Procurement, MCI, Economic Development, Heritage, Arts, Tourism and Health and Wellbeing**

#### **Statement**

Following my two verbal questions to Council in the last nine months or so, I have some further questions regarding Wiltshire Council's policy for ethical investment for example, and not limited to pension funds.

#### **Question 1 (22-058)**

Would the Cabinet member responsible please indicate what investments – number and value – Wiltshire Council currently holds in any Russian businesses?

#### **Response**

The council has not placed and does not hold any investments in any Russian businesses.

The council acts as the administrator on behalf of the Wiltshire Pension Fund and is one of over 170 employers in the Pension Fund.. Any questions about the Pension Fund and its investment strategy should be addressed to the Pension Committee directly.

#### **Question 2 (22-059)**

What divestments from Russia have taken place in the last two months?

#### **Response**

As the council has not placed any investments in any Russian businesses there has been no need for disinvestment.

**Question 3 (22-060)**

What investments (number and value) does Wiltshire Council currently hold in countries where international human rights law is not upheld? For example, and not limited to China, Saudi Arabia and the settlements in Palestine illegally occupied by Israel.

**Response**

The council's investments are bound by the Treasury Management Strategy document that was approved by Council at its meeting on 15 February 2022. Appendix C of this strategy document is a list of approved countries for investments that is based on the countries sovereign rating (AA- or above).

**Question 4 (22-061)**

I note with regret, that the UK government is intending to remove the ability for principal local authorities to make responsible and ethical choices about investments. We all understand that primary responsibility relates to the liquidity and security aspects. What is the administration's position relating to ethical, social and governance (ESG) investments please?

**Response**

The position of ethical, social and governance (ESG) investments is set out in the Treasury Management Strategy as approved by Council at its meeting on 15 February 2022 in paragraphs 94-98.

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### **Agenda Item 5 – Public Participation and Questions from Councillors**

**Question from: Melanie Boyle**

**To Councillor : Dr Mark McClelland, Cabinet Member for Transport, Waste, Street Scene and Flooding / Nick Botterill, Cabinet Member for Development Management, Strategic Planning and Climate Change**

#### **Question 1 (22-062)**

Following the recent landslide at Dauntsey lock resulting in the closure of the road for the foreseeable future please can Wiltshire Council confirm that this was at least partly due to the trees and vegetation being removed and soil being compacted?

#### **Response**

The reasons for the landslide at Lyneham Banks are currently being investigated. It is too early to say what the likely contributory factors were.

#### **Question 2 (22-063)**

The Birds Marsh road, Chippenham hasn't opened as planned, is it true this is because it wasn't built properly and is on a natural spring and there are issues stabilising it?

#### **Response**

The Developer(s) (Persimmon & Barratt) are continuing to work to finish incomplete works and address defects identified by our Inspectors. There are no fundamental stabilisation issues involved.

#### **Question 3 (22-064)**

On a notification from Wiltshire Council it said Future Chippenham was on the agenda for this meeting but it isn't mentioned? Has it been decided that putting excessive housing on valuable farm land is unsustainable with current world events?

## **Response**

The council is in discussion with Homes England regarding the HIF grant. It was hoped that those conversations would have progressed to a position further than exists at present, hence the delay in reporting to Cabinet.

## **Question 4 (22-065)**

How will Wiltshire Council justify to the Planning Inspector that building a road on a flood plain between 2 areas that already flood in Chippenham and Lacock will be deliverable, sustainable and provide value for money to tax payers during a climate emergency with extreme weather becoming a regular event, when houses are already being built without taking tax payers money for the road?

## **Response**

The Future Chippenham programme will follow all due process and will be independently assessed through a thorough planning submission. The design of the proposed road will take into account the flood plain.

## **Question 5 (22-066)**

The Station Hill Traffic Lights latest sequencing changes have made no difference, this morning there wasn't a cyclist in sight (not surprising with stop and start cycle lanes and the existing 403 off road route being a much safer, healthier and enjoyable option), pedestrians walking out in front of traffic as they are unwilling to wait for the lights, 3 minutes is a long time when you are waiting to cross a road and breathing in fumes from gridlocked traffic, solely caused by unsuitable traffic lights put in at great expense to tax payers and have no advantage only pollution after a year of trying to change sequencing, when will Wiltshire Council admit they made a mistake, put back a roundabout and use the traffic lights for pedestrians only? With Rawlings Green 650 houses being built and the old college redevelopment construction traffic coming onto Monkton Park with only one entrance and exit until at least 200 houses are built at Rawlings Farm the situation is only going to get worse. What action is Wiltshire Council going to take to rectify the situation it has caused?

## **Response**

The latest signal controller reconfiguration changes were undertaken between the 8<sup>th</sup> and 10<sup>th</sup> March. Monitoring surveys before and after have been undertaken and this data is currently being analysed. Initial indications however indicate a decrease in queue lengths and waiting times. The full data analysis will be completed shortly with the results made available at that time.

**Question 6 (22-067)**

Is there any update on the Hathaway Retail Park Traffic Lights, have you spoken to the developers to make them aware of the issue of having 2 sets of lights on green at the same time, it has been raised on Chippenham Noticeboard again today due to near misses.

**Response**

The signals have yet to be formally adopted by the Council, and we are continuing to work with the developer to ensure that their performance is fully optimised prior to that taking place. There is also a list of remedial works required beyond those associated with the signals. There is a fine balance to be reached considering safety and capacity – those discussions are ongoing.

**Question 7 (22-068)**

Wiltshire Council does not seem to understand Chippenham, the thought of Wiltshire Council leading a Partnership with the above and the Sadlers Mead Car Park fiasco evidence does not give residents any faith in Wiltshire Council's competency. What will Wiltshire Council do to show their aim isn't only to destroy Chippenham so they can grab bonuses for houses built and additional council tax as they build 40% more houses than they need to which will all need to be retrofitted?

**Response**

By utilising a masterplanning approach Future Chippenham can ensure policy compliant development that is able to proactively respond to housing need through a well-designed, high-quality, future proofed development. The integrated, walkable development can support and promote more sustainable transport solutions, deliver a network of walking and cycling routes and create neighbourhoods with facilities and services within a 15-minute walk or cycle.

**Question 8 (22-069)**

This is further proved by the fact residents are having to take Wiltshire Council to court on 26th May, raising funds which could be much better spent in the community when a Judge says there is a case to answer but Wiltshire Council will not back down and is using tax payers money to fight residents. How will you explain that to a planning inspector when public engagement is essential for the HIF (another waste of tax payers money)?

**Response**

The judicial review process provides for Court review of public decisions and the first stage (the permission stage) has a low threshold to ensure the public's right to access to justice. It will be up to the Court to determine whether the arguments put forward by claimants challenging the decision-making process are sustainable.

In this case the council is satisfied that its decision-making processes were sound and therefore is robustly defending its position.

As previously stated, the Future Chippenham programme does not determine the development that takes place, this decision is subject to the Local Plan review. Development proposed by the Future Chippenham programme will be subject to the Local Plan review and the statutory planning process.

### **Question 9 (22-070)**

We see all over the County roads in a terrible state of disrepair due to funding reductions, is this really the time to be building more roads?

### **Response**

The condition of the roads in Wiltshire is better than the national average, with B and C class roads in substantially better condition than in many authorities in the southwest.

New roads make a crucial contribution to economic development and growth and bring important social benefits.

Government confirms that continued high investment in our roads is therefore, and will remain, as necessary as ever to ensure the functioning of the nation and to reduce the congestion which is a major source of carbon.

New roads can reduce the pressure on existing roads and help limit the rate of deterioration.

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### **Agenda Item 5 – Public Participation and Questions from Councillors**

**Question from: Andrew Nicolson**

**To Councillor : Dr Mark McClelland, Cabinet Member for Transport, Waste, Street Scene and Flooding / Nick Botterill, Cabinet Member for Development Management, Strategic Planning and Climate Change**

#### **Statement**

Questions 22-033, 034, 037, 038, 039, 041, 042 and 043 and 045 related directly to the Future Chippenham scheme and/or its land assembly, financing, its proposed road and the route for that.

#### **Question 1 (22-071)**

Given that the "Future Chippenham Consultation Strategy Public FINAL V6 10.13.2020" said that in early 2021 you would do formal public consultation on "broad Concept Framework proposals for Wiltshire Council land", also described as "broad Framework of proposed development on council owned land" as well as the road route options; and that you had a "Future Chippenham Draft Concept Framework report (April 2020)" which was into version 4 by early March 2021,

(i) why did you not consult on it as planned? For example, did you forget, had you not finished it, or did you decide it was too sensitive?

(ii) What stage are you at in your stakeholder and community engagement activities, and with reviewing and developing the stakeholder and community engagement strategy and issuing a revised version, to cover your Masterplanning framework, for example?

#### **Response**

The consultation process outlined in the Future Chippenham Stakeholder and Community Engagement Strategy was expressly intended to be "*flexible*" and to be "*subject to change*", in response to matters such as progress on the Future Chippenham programme and COVID-19.

The Council Executive consulted properly and in line with the intended approach set out in the Engagement Strategy. Moreover, this approach went beyond any statutory requirement to consult at such a relatively early stage in the programme.

Furthermore, as agreed in the July 2021 Cabinet report, masterplanning will take place including a full public consultation upon the overall proposals for Future Chippenham development including both road network and built environment.

It is our intention to review the Future Chippenham Stakeholder and Community Engagement Strategy later this year.

**Question 2 (22-072)**

(i) When you decided to proceed with the southern section only of the Future Chippenham development and road route, was that because of public consultation feedback, or was it because of commercial problems with a landowner and the funding of a bridge needed for the northern section?

(ii) Are you engaged in negotiations to get the bridge funded, in order to revert to a plan that includes development of the northern section?

**Response**

This was covered in the report to Cabinet in July 2021.

We are not engaged in negotiations to get the bridge funded.

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#### **Agenda Item 6 – Public Participation and Questions from Councillors**

**Question from: Cllr David Vigar - Trowbridge Grove Divison**

**To Councillors Laura Mayes, Deputy Leader and Cabinet Member for Children’s Services, Education and Skills /Jane Davies, Cabinet Member for Adult Social Care, SEND, Transition and Inclusion**

#### **Statement**

As the report on day opportunities before the Cabinet indicates, £117,906 per annum is currently spent on grants to 21 day centre lunch clubs providing lunches and company for older adults, typically for £10-15 a day. The number receiving such care is not given but as I am aware that around 50 people enjoy such provision in Trowbridge alone it is likely to run into several hundreds across Wiltshire. The provision is uneven, as Cabinet members have pointed out, with some clubs attracting much more funding than others and many similar clubs across the county receiving no council grants at all.

In many cases people have been referred to the clubs because they live alone and face the risk of social isolation. The overwhelming majority of those benefitting have not been formally assessed under the Care Act as requiring a day opportunity and thus fall outside the scope of the new ‘open framework’ which is exclusively for those who have been so assessed. This is clear because the paper also shows that, at the time of its writing, the number of people in all of Wiltshire aged over 65 who have been assessed as requiring a day opportunity and using the spot purchased care to which the paper relates was only 36. Furthermore, I am advised by officers that several of these will have conditions or disabilities that require provision other than that offered by a lunch club. The number of people assessed under the Care Act whose primary need is social inclusion, a comparable need to that informally identified in respect of hundreds of current lunch club members, is just 12. Councillor Davies has observed that there may be many people who merit such care but have not been assessed as such.

The current median rate for council funded day care is £45 per person. Assuming a total of 20 over-65s are assessed to be suited to lunch club style care, the total annual budget for their care at today's median rate would be around £45,000, around 40% of the current grant funding.

The 21 grant-funded lunch clubs have been invited to bid to join the open framework to provide for those assessed as needing a day opportunity through the forthcoming tender process. However there is no funding for those not formally assessed. For those hundreds of current club members, the only hope of continuing to benefit from any council support is that they may gain some collateral advantage if any of the centres are successful in bidding to take people who have been assessed and this enables them to maintain their provision.

Although this is presented as a 'transformation' or 'transition' to a new system, in practice for these clubs it is ending the current funding arrangement that covers hundreds of people and asking them to work to a completely different model should they be successful in bidding to provide for one of the 36 or fewer individuals assessed as requiring day care. They would become statutory providers rather than voluntary ones. They would receive direct council funding rather than grants. They would be catering for those assessed under the Care Act rather than those not assessed. They are being invited to take on a new function in a new structure with a new clientele while losing the grant funding that they have hitherto enjoyed.

### **Question 1 (22-073)**

Will the Cabinet accept that over £117,906 of Wiltshire Council funding that currently supports hundreds of elderly people not formally assessed under the Care Act is being withdrawn over the next two financial years and not replaced?

### **Response**

This question relates not to the proposal being presented to Cabinet, but to a decision that has already been made at Full Council on 15th February 2022. However, it will be possible for clubs to bid for other grant sources, such as Area Board funding from revenue grants and where applicable capital grants. In addition, clubs will be able to apply to join the Open Framework which is the subject of this proposal. Those attending clubs may seek a Care Assessment and if eligible to have their needs met through funding to Day Services, such as lunch clubs. The funding for Care Act eligible need is demand led. Grant funding for day services is being gradually withdrawn and not replaced, however, need will be met through the new Open Framework. The framework can also be used as a way to find a wide range of quality assured opportunities for self-funders.

### **Question 2 (22-074)**

Will the Cabinet accept that there is no provision in the new open framework for those not formally assessed under the Care Act as requiring a day opportunity?

## **Response**

No, this is not the case. The open framework will provide day services for people assessed under the Care Act, or for carers who have been assessed as needing a break (including where the cared-for person does not have Care Act eligible needs), or for young people who are eligible to receive support. The framework can also be used for self-funders.

## **Question 3 (22-075)**

Will the Cabinet accept that the way to address the uneven funding is to even it up rather than eliminate it?

## **Response**

Given the significant inequity between the grant income of some centres and others, and even more so between some community areas and others (five areas have received no grant funding at all over the years), it would not be possible to redistribute this funding as suggested in the question, in a way that is aligned to need.

It is also important to emphasise that giving out grants using the current system lacks appropriate oversight of quality, governance and safeguarding arrangements.

As long as the Council gives grants to an existing group of organisations, and not others, without an open, equitable framework, it will be vulnerable to challenge around not appropriately meeting need.

## **Question 4 (22-076)**

Do the Cabinet accept that voluntary provision of lunch at lunch clubs is an effective and economical way to avoid social isolation and in some cases avoid the need for Care Act assessment?

## **Response**

As these centres have been grant-funded and not commissioned, the Council has not collected data about the effectiveness or cost-effectiveness of this provision. It is therefore not possible to provide evidence one way or the other whether these services have avoided the need for a Care Act Assessment for some people.

## **Question 5 (22-077)**

If the answer to question 4 is yes, does the Cabinet accept that jeopardising the existence of the clubs by withdrawing their grants may not only risk leaving vulnerable people without provision but, as they care for people at roughly one-third of the going rate for council-funded care, prove to be a false economy?

## Response

Officers have provided information and advice to clubs about alternative ways of raising income, e.g. through fundraising, area board grants, collaboration, attracting self-funders and the Open Framework. We hope that this, alongside the grant which will be given to clubs in 2022/23, will help those clubs to continue. If, unfortunately, some clubs are not able to continue, no older people with eligible needs will be left without provision – people will be supported and signposted to alternative services in the County. This has been evidenced in recent years when alternative provision was identified after a number of clubs in receipt of grants closed because of the pandemic.

It is not believed that this step will be a false economy. It is unusual for councils to provide grants to clubs which don't support people for whom the local authority has a statutory responsibility. In other areas of the country, clubs have found alternative ways to fund their provision.

## Question 6 (22-078)

While proceeding with the open framework tender, will the Cabinet:

- reconsider the withdrawal of grant funding to lunch club day centres;
- maintain the full grant funding of £117,906 for one year while the system is reviewed;
- review grant-funded clubs to create more even provision;
- inspect grant-funded clubs to ensure high quality provision; and
- mount an initiative to identify those who should be assessed under the Care Act as potentially requiring a day opportunity?

## Response

It is noted that this question is about the decision to withdraw grants, which was a decision made as part of the formal budget setting process and approved by Council at its meeting on 15 February 2022, and not about the proposal being presented to Cabinet.

However, this would not be appropriate for a number of reasons. The Council has no remit to inspect day centres or clubs which receive grants; the only way we can monitor performance and outcomes is by commissioning these organisations, which is why we are proposing an open framework.

The suggestion in question 6 also overlooks the many services (whether centre-based or not) which don't receive grants. If the Council only reviewed grant-funded clubs and not those that don't get a grant, it would be maintaining the status quo.

In the meeting with day centres on 23 March, officers advised clubs to contact the Advice & Contact team about any person who they felt may be appropriate for a Care Act assessment.

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#### **Agenda Item 6 – Public Participation and Questions from Councillors**

**Statement from: Helen Dixon - Statement on behalf of Cricklade Open Door  
Registered Charity 1124700**

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

I am Helen Dixon and Vice Chair of Cricklade Open Door. I first became involved with the charity when I was County Councillor for Purton and Cricklade.

The club was under threat of closure. With the help of Wiltshire Council, Cricklade Town Council, local businesses, local residents and some very vociferous members, Cricklade Open Door emerged from the ashes and the rest is history as they say. Sadly it looks like history could repeat itself!

I became a trustee in 2009 and I have seen Cricklade Open Door flourish. It provides much needed, friendship, fun and support to those who may be lonely or socially isolated or just want a cuppa and a chat with friends. It should be noted that many of those friendships have been made through Open Door.

As a result of the Covid pandemic it has become more apparent that our work at Open Door is about preventing our members from needing one to one care and support from other agencies including Wiltshire Council. During the pandemic, despite our volunteers keeping in regular telephone contact with members, shopping, picking up prescriptions, providing meals, receiving birthday cards etc. many members became very depressed and missed the social contact that they've enjoyed at Open Door. Clearly, as many of our members are elderly, nature takes its course and 8 of our members died during the pandemic but a further 10 went into care and we believe that had Open Door been able to operate as usual that number might have been significantly less. It is worth pointing out that, despite the sad loss of 18 members, our membership is rising and almost back to Pre-Covid levels.

My understanding is that the cost for Wiltshire Council to provide day care to an individual is £45 per day. With our current grant of £8982 per annum we operate 3

days a week (147 days a year) and with our current membership of 64 that equates to 96p a day.

We have been held up by Wiltshire Council (and in the past by Age UK) as an exemplar to other Lunch Clubs and Friendship clubs in the county. We continue to act with due diligence on behalf of our staff, volunteers and, above all, our members and we very much hope that we are able to continue.

We carried out our usual members' survey recently and members were asked to describe Open Door in 3 words, the top words were, caring, helpful and lifeline and under other comments somebody wrote 'Open Door is a Cricklade diamond'.

I know there are many diamonds across the villages and towns of Wiltshire and I would respectfully ask that Wiltshire Council reconsider their intention to withdraw our grants.