

SPECIAL COUNCIL MEETING
12th December 2017 postponed to 16th January 2018
ADDITIONAL PAGES (6) – Update 12th January 2018

Correspondence from Sir Geoffrey Clifton-Brown MP

Councillor Stuart Tarr (Cirencester Town Council) has requested that the following emails from Sir Geoffrey Clifton Brown MP to Councillor Mark Annett and others, including County and Town Councillors, are circulated in advance of the meeting as they will be referred to during his speech at the Council meeting.

A response from Officers to the issue raised is set out below the emails.

Email 1

Dear Mark

Further to my email of 14 September, I write again to make further representations which I would request be conveyed to your planning committee.

Whilst I fully recognise the limited scope of Section 106 agreements to the site itself, there is some latitude on this matter, which is why you've been able to negotiate speed limits and roundabout alterations to the ring road and elsewhere to cope with the several thousand cars that the development will eventually generate.

I find it curious therefore that you have only been able to negotiate a £500,000 contribution towards car parking in the town. If even a small proportion of the several thousand cars generated by the development wish to park in the town centre each day, the £500,000 that you have negotiated will be nowhere near adequate.

There is concern about the whole issue of primary school provision. A new primary school will not be built on the development until quite a high trigger point is reached. Until that happens all of the children will have to attend the Chesterton Primary School, which is currently under special measures. I would suggest that the trigger point for a new primary school should be set at quite a low level – maybe on the basis that the school can be expanded from an initial 200-300 houses when further children are enrolled.

In view of the experience of Victory Fields where it is proving very difficult to ensure that the developers actually finish the development to the required standard, I would suggest there is plenty of precedent for your council to require a substantial insurance bond to be taken out at the start of the development and is only redeemable when parts or the whole of it is developed out satisfactorily. I know there is a feeling that Earl Bathurst will be honourable in this respect but it may not necessarily be in his control if he sells off parts of the development to housebuilders.

The cost of the insurance bond which only covers default, will be very low in the current low interest environment.

Given that this may be a one off opportunity for a development of this size to enhance the town may I make yet another plea that the Section 106 agreement is negotiated entirely separately so that the public can have their say and your council is able to try to negotiate the benefits that public actually want to see. In this connection, I would draw your attention to my household survey to 12,000 premises in the town and closely surrounding villages. I believe this is one of the largest surveys of its kind and will, when analysed, in approximately a month, produce a very accurate barometer of Cirencester residents' wishes.

There is plenty of planning precedent elsewhere for both the Section 106 to be negotiated separately and to have to be passed by full council. The same applies to the insurance bond that I have suggested.

I hope that you will be able to consider my suggestions as I strongly believe that as open as possible transparency on this matter will put the council in the best possible light.

Yours sincerely

Sir Geoffrey Clifton-Brown



Sir Geoffrey Clifton-Brown, F.R.I.C.S. M.P

Email 2

Dear Mark

Further to my last email of 9 January I have had an opportunity to analyse the preliminary results of my town-wide Cirencester survey.

So far, there have been approximately 2,000 responses to this survey, which I am extremely pleased about. My six multiple-choice questions in this survey referred to car parking in the town, the Market Place regeneration, public transport provision, affordable housing, improvements to the town's ring road and additional school places. These are all very pertinent and important questions – especially in relation to the Chesterton development and the resulting population increase.

The questions on car parking, school places and affordable housing received the clearest indication that residents want more. Bus services and a new ring road received a relatively ambiguous response, whilst the majority of respondents were not satisfied with the regeneration of the Market Place.

I hope that this brief outline of the preliminary results of my survey is helpful in highlighting the very real concerns that Cirencester's residents. It is vitally important that with any new development in the town, proper and sustainable improvements are made to infrastructure in order to accommodate any increase in population. In particular, this survey clearly demonstrates people's desire to see affordable housing in Cirencester and the Section 106 agreement for the Bathurst development must reflect this.

As soon as all responses have been fully collated and analysed, I will of course make you aware of the final results.

Yours sincerely

Sir Geoffrey Clifton-Brown



Sir Geoffrey Clifton-Brown, F.R.I.C.S. M.P

Officer Response

1. Car Parking Contribution

The contribution for car parking meets in full the identified need. In more detail, the car park contribution arose from an assessment undertaken for CDC by Atkins based upon the likely level of demand from the development. This assessment concluded that 147 spaces would be required to serve vehicles from the development. Officers have also been mindful of the efforts undertaken to promote sustainable modes of transport and increased bus services.

A larger contribution towards car parking would also have an implications for the viability of the development and the level of affordable housing that can be delivered, mindful of the requirements of the NPPF (para 173) and the need for careful attention to viability and costs.

2. Primary School

The trigger point for the construction of the new primary school has been set by GCC based upon projected pupil numbers arising from the development. Pupil numbers for the first two years of the development are projected to be low and can be accommodated within existing capacity at the local schools and within bulge classes

at Chesterton Primary. In the first year of the development it is projected that only a small number (7) children will be accommodated at Chesterton Primary School.

A new school will be established at a host site in years 3-4 of the development and the new school building is to be open by the occupation of the 500th dwelling.

Temporary schools are not uncommon and have been established by GCC at other sites. There also needs to be a consideration of the viability of the development when setting trigger points. Constructing the primary school earlier, when it is not needed, will again have an implication for the viability of the development and the level of affordable housing that can be delivered.

3. Completion of the Development

The Council's planning powers do not enable it to force an applicant to complete a development once it has been lawfully implemented.

The Council has enforcement powers to require developers to adhere to approved plans, to comply with conditions and to remedy unacceptably untidy sites.

4. Wider Consultation on the Section 106 Legal Agreement

The obligations contained within the Heads of Terms document which has accompanied the Officer report have arisen from the detailed viability work, the input from consultants and consultees and the Council's corporate priorities. At the September meeting, Members did not request any amendments to the Heads of Terms.

Officers have had to ensure that the obligations meet the tests set out by the CIL Regulations i.e that they are necessary, directly related to the development and related in scale and kind to the development.

The application has been subject to a full technical assessment to ensure that all the infrastructure requirements to meet the needs of the development are met. As a matter of law, contributions and mitigation works must only be sought when they are necessary to make a development acceptable. If a situation arose where a requirement for the provision or contributions for infrastructure was sought and those works were not necessary to make the development acceptable then, in that situation the Council would be acting outside the remit of the application, would be going beyond its powers and as such would be acting unlawfully.

Updates to the Officer Recommendation

Due to the postponement of the December meeting, the dates within the Officer recommendation as set out on pages 11-12 of the Update Report are as follows:

- (ii) Date amended from 12th December 2017 to 16th January 2018;
- (b) Date amended from 12th April 2018 to 12th July 2018.