

1. Introduction

This paper comprises a position statement produced by the Chairman in conjunction with the Director for the consideration of the Board.

It has been prepared to report to the meeting on Friday 30th September which will comprise a Committee of the Board and its business will be confidential unless and until it is made public.

The paper outlines the background and history to the current situation, important steps recently taken by Wiltshire Council's Area Board and the implications that these have for the project and the Vision. It concludes with some initial thoughts for the consideration of the Board on how it may move forward in a constructive and realistic way in the light of these recent events.

2. The Genesis of the Vision

Salisbury Vision was established to deliver co-ordinated, long-term and sustainable improvements to the city of Salisbury.

It was based around a comprehensive programme of 24 projects developed through a strategic consultation exercise undertaken by Salisbury District Council. This was delivered via an advisory team led by urban-design consultants Gillespies and involved significant public consultation.

In 2008 a document was prepared, based upon the findings of the earlier consultation, outlining each of these projects and the Vision's objectives.

This document and the programme of projects it contained was endorsed by Salisbury District Council, through its then Leader, Councillor Paul Sample, and Deputy leader, Councillor Steven Fear and Wiltshire County Council, by its Leader, Councillor Jane Scott.

In terms of the Market Place project, the 2008 document goes into detail on the components that the Vision anticipated for the project. This included (ref p 43):

- creating a lively and active urban space [...] which should include a high quality co-ordinated set of elements (street furniture, lighting, signage, public art) which complement the city's character - para (a)
- the removal of all car parking from the Market Place and Guildhall Square – para (c)
- to make the space more pedestrian oriented through changes in surface treatment and highway design in favour of people, cyclists and buses – para (d)
- The War Memorial may benefit from an enhanced and more respectful setting. Consideration needs to be given as to whether this is within a rejuvenated market Place or elsewhere within the city. – para (g)
- Any existing high quality trees should be respected within any future design because of their importance to the character of the Square – para (h)

3. The Market Place Project – Selection Process

In taking the Vision forward, it was decided by the Vision Steering Group in 2008, that an initial project for the Vision should be the comprehensive improvement and enhancement of the Market Place.

It also decided that the most appropriate mechanism to achieve this was through a design-led approach and thus it engaged RIBA (the Royal Institute of British Architects) to conduct a design competition to select a suitably qualified team of advisers, led by a scheme architect, to deliver the project.

A two stage process ensued. The first stage attracted expressions of interest from a total of 46 teams, which were assessed by a team including the parties named at **Appendix 1**.

A shortlist of six teams were chosen and invited to work up their proposals against a Stage 2 brief they were supplied. Each of these bidding teams were paid an honorarium for the Stage 2 submission (of £5,000)¹ and the proposals were placed on public exhibition in the Guildhall where the public were invited to comment on and select their preferred design.

Approximately 1,200 people attended the exhibition, and 448 response forms were completed. The feedback from the Exhibition was used to inform the selection of a winning team, led by Letts Wheeler architects.

4. The evolution of the design – post selection

Whilst the competition itself was to appoint a team, it was clear that the team was selected on the basis of its design approach. As such it was agreed by the Board that this design must be the starting-point for taking the project forward.

Before Letts Wheeler were appointed to take forward their design proposals a meeting was held between the architects, officers of the Council and the Chairman to understand the architects approach. A significant number of issues were raised by the Chairman and discussed with the architects. Trees were not an issue at this meeting.

Following this, in 2010 architects Letts Wheeler were asked to develop a preliminary design based around its proposals that could be presented to the public at the pre-planning application stage.

This preliminary design was placed before the public in November 2010 at an exhibition held over 2 days within the Guildhall Square.

Responses were received along with feedback from discussions with key users of the space (such as the market traders and surrounding businesses). These resulted in significant alterations to the scheme including the removal of the water feature, retention of the underground toilets and changes to surface treatments.

5. The evolution of the tree issue

The question of the compatibility of the existing trees with the Market Place proposals has been one that has emerged and come into focus as the project has progressed.

The initial objective was to retain high quality trees within the scheme.

However, based upon the emerging evidence from the detailed design work and the information from the specialist advice received, the design teams advice became clear that to retain the existing trees would be incompatible with the Vision's aims of achieving a comprehensive and long-term solution to the improvement of the Market Place.

The evidence showed that there is very obvious on-going damage to the surfaces within the Market Place caused by root action and both the historic 'Cole and Horsey' report and the Duramen tree reports identified problems with a significant number of trees and the need for selective removal.

The design team also assessed the extent of mitigation works necessary to accommodate existing trees and the impacts that these would have upon the usability of the space as a market. They also

¹ In total a sum in the order of £200,000 has been incurred over the last 3 years on this project. This includes the RIBA competition, preliminary and detailed design work, surveys (topographical, drain (CCTV), tree survey, utility detection and mapping survey, archaeological investigations), lighting design, listed building analysis and the costs associated with contractor appointment.

considered the likely implications that leaving existing trees in-situ may have upon the on-going maintenance works for the Council and the likely increase in insurance claims arising from trip hazards.

Based upon this body of evidence the architects clear recommendation to the Vision Board was that the Vision's goals would be best achieved by a programme of replacement rather than retention of the trees. This case was put to the Vision Board on 16th December 2010 where the Board agreed to the principle of replacing all the trees.

This issue was considered once more by the Board at an accompanied site meeting with the architects held on 24th March 2011. A significant number of Board Members attended this meeting including Councillor John Brady, and the unanimous decision was reached that the existing trees should be replaced.

The key findings of the Cole & Horsey (2005) Duramen (2011) Tree Reports and Stockley / 365 Drain Survey (2011) are provided at **Appendix 2, 3 and 4** respectively.

A planning application was submitted in April 2011, which included the proposal to remove all the trees and re-plant alternatives.

The initial proposal was to plant a total of 17 trees of the type Pyrus Chanticleer. This was altered to 25 trees, comprising a mix of Tulip trees and Common Hornbeam, in response to feedback from consultation and following further discussion between the project team and the Council's Tree Officer, Conservation Officer and the City Clerk.

6. The Current Position

During the course of the planning application a campaign has emerged that is specifically targeted at the proposals for the trees. The campaigners have organised a petition specifically against the removal of existing trees which they now claim exceeds 8,400 signatures.

A special meeting of the Salisbury Area Board² was held on Thursday 15th September at which the tree campaigners were given the opportunity to express their views.

At the end of the item, Councillor John Brady raised a motion, which was approved by the Board. The Board's decision was as follows:

1. *The Salisbury Area Board acknowledges the good work being carried out by the Salisbury Vision for the benefit of Salisbury.*
2. *Because of the considerable public concern being expressed over the current planning application for the Market Place, in particular the petition in respect of the replacement of the trees, the Area Board respectfully requests that the planning applications (S/2011/1320, S/2011/1321 and S/2011/1322) not be taken to Committee for*

² The Area Board comprises: **Cllr Richard Clewer** (Chairman and currently a Vision Board Member), **Cllr Bill Moss** (Vice Chairman), **Cllr John Brady** (until recently a Vision Board member who voted in favour of total replacement of the Market Place trees on 16th December 2010 and again following a site visit on 24th March 2011), **Cllr Christopher Cochrane**, **Cllr Brian Dalton**, **Cllr Mary Douglas** (until recently a Vision Board member who voted in favour of total replacement of the Market Place trees on 16th December 2010 and again following a site visit on 24th March 2011), **Cllr Ricky Rogers** and **Cllr Paul Sample** (who was a signatory to the original 2008 document – which specified the aims for the market place on p43 – repeated at page 1 of this document). He is a signatory to the tree petition.

determination until such time as the situation regarding the trees is fully understood, through further liaison with the Wiltshire Tree Officer and other professional advisors as necessary.

3. *We would like to work with the Vision Board and arrange for the issues to be fully debated in public at an Extraordinary meeting of the Salisbury Area Board, to be arranged for this purpose, once the outcome of this further advice on the trees is known.*
4. *We would also propose that Salisbury City Council and the business community give their views.*

Following this, the Area Board has now issued an e-mail questionnaire that we understand has been circulated to the Area Board's e-mail address list. The questions are provided at **Appendix 5**.

It is anticipated that the results of this survey will be revealed at a further Special Area Board meeting to be held on Monday October 10th.

The Vision wrote to the Council's tree officer on 14th September to establish whether there may be further options to explore with the Council over the retention of the trees. The following is an extract of the letter sent:

"This takes us to a solution which may commend itself to you in light of your earlier comments, namely that Wiltshire Council on your advice on selection and under your supervision remove diseased and dangerous trees and carry out heavy pollarding to the remaining trees and root pruning which we are told will solve the problem of egress into broken or cracked drains and damaged paving. This work can be carried out in the Autumn / early winter of this year.

In the meantime, and with the benefit of the drain survey now available, we would also ask you also to liaise with the Council's Highways Maintenance team so that they may identify the necessary work to be undertaken to repair all the affected drains either in support of the anticipated refurbishment but at a minimum in respect of works that we now know must occur in any event.

These discussions should establish the implications that such works as necessary will have on the trees. The drain report clearly identifies which drains are most affected and we would expect the maintenance and repair to deliver a long-term solution in the anticipation that new surfaces may be placed above either now or at some point in the future"

We have now received a response to this letter as follows

"The role of the tree officer within the planning department is to react to and comment on proposals presented to him by others in planning applications. Notwithstanding his expertise, his role is not to act as a consultant for others or to oversee specific tree works. I'm sure you will appreciate that the tree officer's impartiality would be fettered if planning applications he is giving advice on to officers and members are in the first place informed by his own opinion.

If you consider that certain trees in the market place are diseased and dangerous and are causing damage to drains and paving then these concerns should be directed to the relevant officer within the Council responsible for this, and this is not the planning department's tree officer. In the first place I would recommend you contact Daniel Everett in the highways department (01249) 445554 or Peter Gray (Council Owned Trees) (01225) 7186322"

Clearly, this needs to be followed up.

7. Role of the Vision

Before we proceed with our suggested approach in light of the above, there are a few important points to make in relation to the wider role of the Vision now that the Area Board has set out its position.

First, it is important to note that Wiltshire Council is the commissioning authority and paymaster for all Consultancies or Contractors and in these circumstances the only privity Vision has is that courtesy of Wiltshire Council. This being the case and assuming that the Area Board speaks for Wiltshire Council then this establishes the role of the Vision in this context.

This applies equally to Letts Wheeler and its co-consultants on the Market Place, the Consultants on Central Car Park and Maltings and on Churchfields. Whilst the Chairman has sat in on interviews and presentations, he is only there as Moderator in the event of differences of opinion between Officers and Consultants or to assist in interpretation. Wiltshire Council also administers the Vision.

With regard to the 21 other projects in the Vision identified in the document endorsed by Councillors Sample, Fear and Scott, plus any of the “eyesores” identified by the Chairman in his response to the Core Strategy, if the Vision wishes to take these forward, the decision to do so will also ultimately be that of Wiltshire Council.

Councillor Clewer has suggested (e-mail 20th September) “*With future projects we (the Area Board) need to involve the public as soon as possible*”. This is agreed, but in some cases for instance Central Car Park and Churchfields we simply cannot do so in the manner that Councillor Clewer is suggesting.

In the first case because we are precluded from doing so by the EU Rules on Procurement and in the second because we believe that to treat the matter in public would breach commercial confidentiality and could jeopardise Tenants/Landowners in any potential third party negotiations.

It is not clear how many of the other schemes might fall into this category, we do not know. However we must not allow difficulties of this nature to arise, simply in order to satisfy a political expedient.

8. Where do we go from here?

No purpose will be served by proceeding with the current planning application as it stands.

We know that it is unlikely to receive a favorable reception at the Planning Committee and that public sentiment is against the idea of significant change, particularly but not exclusively, in relation to the trees.

We could press on, but there seems little to gain. We are aware, for example, that one member of the planning Committee that would hear the application has stated that he is keeping an 'open mind' despite having signed the petition against the scheme. The political climate, already problematic, is unlikely to improve as we move towards elections in May 2013.

The Area Board Chairman has made it clear that the Area Board wants to consult and hear the views of the *people* before the planning application proceeds any further. This consultation is already underway.

In practice the *people* the Area Board is consulting comprise three distinct groups:

- (a) everyone who has found their way into the Area Board's s e-mail contact list.
- (b) the friends and contacts of these people, whether from Salisbury or anywhere else (in the country or indeed the world) who have been forwarded the survey; and
- (c) those who choose to turn up and express their views at Area Board meetings.

The questions posed in the survey encompass all aspects of the project as well as matters that have fallen outside the Vision's remit, including the layout of the Charter Market and the allocation of parking spaces. The majority of those responding to the survey are unlikely to be familiar with the detail or background of the issues involved and will be responding to the questions on 'face value'. Notably, respondents of the survey are only compelled to go to the Vision web site immediately *after* completing the survey.

Presumably, it is the expectation of the Area Board that amendments will need to be made to the existing scheme or a new scheme prepared that responds to the feedback from its consultation. Otherwise there would be no point in doing it.

The Vision has been clear about its wish to take forward a project that is comprehensive and which addresses the objectives articulated within its 2008 document. If the scheme that emerges from the Area Board consultation fails to deliver this then would not be an appropriate scheme for the Vision to take forward.

Such a scheme as may be devised in response to public consultation could be taken forward by Wiltshire Council, under the guidance of the Area Board, if it felt it to be a priority. Clearly the Vision would welcome investment in the Market Place even if the investment is of a more short-term or ad-hoc nature providing, at the very least, it can be shown to improve upon the existing poor and ever-deteriorating situation.

In all likelihood, the type of scheme that may emerge would not require planning permission and would not therefore need any further consultation unless the Area Board considers this necessary. It could be progressed under the direction of the Area Board by the Council's Highways department in consultation with the City Council, market traders and users of the space as required.

The advice and survey work undertaken by the Vision for the current proposals, particularly the tree, drain and topographic surveys would not be wasted, as it could be made available to the team assembled to take forward the works to use as it needs.

It will be a matter for the Vision (assuming it continues, and in whatever form it may subsequently take) to consult with the Area Board and others on any such proposals that emerge and to seek to influence and improve upon them in a way that as far as possible allows the goals of the Vision to be achieved within the prevailing economic and political climate.

What will the Vision be doing?

As stated above it seems clear that the Vision has no role in the Market Place project going forward, except perhaps as a consultee.

The following projects / initiatives are currently being progressed or developed by the Vision;

- (a) Central Car Park & Maltings
- (b) Churchfields Industrial Estate
- (c) Public Realm Strategy
- (d) Transport Strategy
- (e) Friary Estate
- (f) Business Improvement District
- (g) Bus Quality Partnership

All of these projects are necessary to the economic, social and physical wellbeing of the city and are to a greater or lesser extent enshrined within the Council's Core Strategy as well as the Vision. Consideration also needs to be given to the remaining projects and 'eyesores' identified by the Chairman to the Examination in Public of the Core Strategy.

The issue is whether and to what extent the Area Board's intervention on the Market Place presages its intent to intervene and direct the programme of all the projects set out in the Vision. If it does, then this calls into question the very role and purpose of the Vision itself.

The Vision has performed an important role in bringing together the principal civic, community and business organisations within the city in a way that no other existing entity within the city can do. This function has clearly been overtaken by the advent of a more active Area Board.

9. Action

The outcome of the Area Board meeting on 10th October along with the findings of the current survey will be key factors that help determine the steps that the Vision Board may wish to take. In anticipation that the Area Board will require the Vision to substantially alter its plans the following recommendations are made;

- (a) Responsibility for improvement and other works to the Market place be returned to Wiltshire Council, under the supervision (as it sees appropriate) of the Salisbury Area Board.
- (b) The current planning application be withdrawn and a statement be made confirming that Wiltshire Council will review its strategy for the Market Place in light of the Area Board's consultation and any other matters it considers relevant.
- (c) The Vision Board investigate with Wiltshire Council and its officers what useful role the Vision Board may play in the future, either in its present form or in some new configuration by agreement with the Council.

The Board may wish to propose other steps / actions in light of this position paper. These can be discussed at the Committee Meeting of the Board to be held on Friday 30th. Suggestions or further issues for discussion can be passed to the Director.

Appendix 1 – Members of the Selection Panel for the RIBA design competition**a) Stage 1 Jury panel****Panel members:**

- Justine Leach (RIBA advisor), Landscape Architect and Urban Designer and member of CABE South West Enabling Panel
- Professor Adrian Gale (RIBA advisor), Chartered Architect and Member of the SW Design Review Panel
- Alastair Clark, Chairman, Salisbury Civic Society
- Ian Newman, Chairman, Salisbury City Centre Management Limited
- David Stuart, English Heritage
- Cllr Peter Edge, Portfolio Holder for Economic Development, SDC
- Cllr Josie Green
- Cllr Paul Clegg
- Cllr Fred Westmoreland (TBC)
- Representative from Wiltshire County Council (TBC)

Panel advisors:

- Graham Gould, Salisbury Vision Project Director
- Claire Smith, Economic Development Manager, SDC (Project lead)
- Allan Creedy, Local Transport and Development Manager, WCC
- David Milton, Team Leader, Forward Planning, SDC

b) Stage 2 Jury Panel

- Justine Leach (RIBA Adviser), Landscape Architect and Urban Designer and member of CABE South West Enabling Panel
- Professor Adrian Gale (RIBA Adviser), Architect and Member of the SW Design Review Panel
- Alastair Clark, Chairman, Salisbury Civic Society
- Ian Newman, Chairman, Salisbury City Centre Management Ltd
- David Stuart, English Heritage
- Cllr Peter Edge, Portfolio Holder for Economic Development, SDC (Panel Chair)
- Cllr Josie Green
- Cllr Paul Clegg
- Cllr Fred Westmoreland
- Cllr Bobbie Chettleburgh

Appendix 2 – Key Findings of the Cole & Horsey Report – Market Place Trees (2005)

- Report on incidence of footway trip hazards in the brick paving caused by the tree roots of the Plane trees; and to propose options to resolve the problem.
- Tarmacing work began distorting and cracking within under 12 months of laying.
- The existing trees are planted too close together considering the mature size of London Planes (Height 30 m + Spread 10 m +).
- Original view was to remove and replace all the trees, however this was not taken forward because of fears over PR and that there was no plan to prevent the problem from reoccurring.
- There were proposals to replace the tarmacing with brick paving, e.g. Yorkstone, that would not move as easily, but at the time this was problematic as being cost prohibitive.
- It was noted in the report that root activity could be managed by clearing a porous “buffer zone” of 1.5m x 1.5m minimum around the trees, and in at least one instance the installation of street furniture to deter pedestrian traffic.
- Recommended the removal of 5 trees the replacement of 3 trees in newly constructed tree pits with root barriers.
- *“From a public perception this will seem less drastic and be beneficial, as this action will allow for the remaining trees to grow into the ‘space’ as they mature. Secondly, the replacement of 3 trees will complete the outside avenue and also provide an opportunity for new tree pits to be ‘tested’ in the event that should problems continue; the feasibility of phased replacement of the trees into new pits can be evaluated.”*
- *The “Original plan to remove all trees along Blue Boar Row and replace with new trees into constructed pits is still an option, however this may be unacceptable publicly. Furthermore it would have to be done in conjunction with the installation of a more robust surface.”*

Appendix 3 - Key Findings from the Duramen Tree Report

Duramen undertook a tree survey of the 34 trees on the Market Place according to BS5837, and found 9 trees to be Grade A (High Value), 21 to be Grade B (Moderate Value), three to be Grade C (Low Value), and recommended one for removal.

- The survey considered the trees in groups.
 - 4 mature planes on west side
 - Notes that they block all views of and light for the buildings on the western side during summer
 - By taking measures to preserve them in terms of providing space (as much as 10 metres radius) for root activity and other maintenance (pollarding / pruning) the trees could have a safe useful life expectancy of 40 years – the report however recognises the impracticality of this.
 - Report recognises that there is “no easy solution” to retaining both the trees and the others uses of the market place
 - Avenue of planes along north side
 - “Several of the trees have quite a short useful life expectancy”
 - Notes that the tarmac is being disrupted
 - “If the avenue were to lose the five trees suggested earlier (Cole & Horsey) and the two I suggest, only nine trees would remain... It would be impossible to replace trees and recreate an avenue... As a result I fear that the long term future of this group of trees as an avenue is limited and while the inevitable can be held off for a few years, with possibly the loss of only two or three trees at some time in the next 10 years further losses will be necessary.”
 - Limes north of the Guildhall
 - Expected to last 20-40 years. Some restriction on their size due to grouping.
- Suggests for each group two or three management options:
 - 4 mature planes on west side
 - Maintain as before, accepting surface disruption
 - Prune or pollard aggressively, risking further root growth
 - Remove trees
 - Avenue of planes along north side
 - Remove trees selectively: “Remaining trees provide a single line and a few scattered trees.”
 - Remove and replace with well positioned alternatives
 - Limes to the north of the Guildhall
 - Continue pollarding and maintain pruning
 - “Remove and replace with similar sized trees in locations to be determined”

Appendix 4 – Key findings of Drain Survey

Consulting engineers Stockley drew the following main conclusions from the CCTV drainage survey:

- A number of the existing drain runs across the Market Place have been damaged and partially blocked by mass root ingress. The severity varies up from fine root ingress up to 30% blockages.
- The drains with significant damage (i.e. over 10% of cross section) need to be repaired as part of these works otherwise this drainage will impact on the new scheme and costly repairs will have to be undertaken in the future.
- Given the nature and bulk of the root blockage, the drains cannot be repaired in situ by re-lining them as this only gives a temporary solution. This would require a future repair in a few years, as it does not prevent the lined section of pipe being damaged by further tree root ingress. Lining also reduces the capacity of the pipeline.
- Where the tree roots are growing above the drains it will be extremely difficult to repair the drains without damaging the tree roots, and therefore the tree. Where either entire new lengths of pipe or sections of pipe need to be installed the roots in the vicinity of the pipe in these areas will need to be cut back.
- Even the drains with lesser problems (ie: tap roots at the joints) are likely to need repair in the medium term 3-5 years.
- Given the evidence of above-ground surface damage by root systems, it is highly likely that the plane trees along Oatmeal Row and the plane trees along the avenue will all be significantly affected, especially as we may end up trimming some significant roots as part of the above works.

Appendix 5 – Salisbury Market Square Survey – Salisbury Area Board

*All questions put forward as statements offering five options for response out of:
Strongly Agree – Agree – Neither – Disagree – Strongly Disagree*

1. The Market Square needs refurbishing to allow people to enjoy it and make more use of it.

Trees in the Market Square

2. There should be trees in the Market Square.
3. All of the existing healthy trees in the Market Square should be retained.
4. Diseased trees in the Market Square should be replaced with semi mature trees of the same species.
5. I would be happy to see trees in the market place taken down providing they were replaced with semi mature trees.
6. Some of the existing trees are too big and block views in the Square.
7. Where tree roots are breaking up the surface of the Market Square action should be taken to repair it.
8. Benches and street furniture should be put around large trees to prevent roots causing a trip hazard.
9. Some of the trees should be removed to open up the views in the Square.
10. The majority of the trees should be removed.
11. The trees should be replaced with smaller specimens that are properly managed.
12. If trees in the market square are replaced, the species they are replaced with should be decided by the public.
13. The Market Square should be resurfaced. – if you agree with what (with space to type in an answer)

Car Parking in the Market Square

14. The Market Square should become a pedestrian only zone.
15. There should be disabled parking spaces in the Market Square.
16. There should be more disabled parking spaces in the Market Square vicinity.
17. Disabled parking places could be placed along roads on and near the Market Square.

The War Memorial

18. The War Memorial should be moved.
19. It makes a difference if English Heritage agree that it can be moved³

How we use the Market Square

20. The Charter Market is a vital part of the Market Square's offerings.
21. The layout of the Charter Market could be better organised.
22. There should be public toilets in or near the Market Square.
23. I'd like to see the market used for other purposes. -- If you agree, tell us your ideas (with space to type in an answer)
24. What is your post code? (options SP1 SP2 SP3 SP4 SP5)

³ Please note the answers to this question will be academic. If English Heritage disagree then the Memorial (a Grade 2 Listed Building) must remain where it is.