

Wiltshire Planning Town and Parish Council Forum

5 March 2025

Questions and Answers

Q1. Will we be seeing an 84% increase in the subsequent LP allocated across the county pro-rata?

A1. Through the preparation of the new Local Plan we will need to consider how the homes could be distributed across the County, this will need to look at different options. Consultation is a key part of the process and we would look to consult on options.

Q2. Can Wiltshire Council deliver the required housing numbers if/when the emerging Local Plan is approved, without quicker than previously anticipated delivery of the - 'broad locations for growth', 'reserve sites' and ' new settlement north of Salisbury'?

A2. This is a detailed question regarding the emerging Wiltshire Local Plan review and its draft Policies 3 and 21. The plan is currently at examination and housing delivery will be an area that the appointed Inspectors will consider. The transitional arrangements within the National Planning Policy Framework (NPPF) mean that the plan is being examined under the September 2023 version of the NPPF and it will be a matter for the next Local Plan to address the higher housing numbers now proposed by Government.

Q3. What is the expected adoption date for the Local Plan?

A3. Ultimately adoption depends on how long the examination takes which is in the hands of the Inspectors. Our best guess at this stage is that adoption will be secured by the end of 2025.

Q4. Is it true that rural communities without made Neighbourhood Plans are more vulnerable to speculative planning applications?

A4. Rural communities without neighbourhood plans may receive more speculative planning applications for housing development. Neighbourhood plans though can help communities have a say in how their area develops. They can help communities choose where new homes, shops, and offices are built. They can help communities protect green spaces and improve design.

Q5. What is the time period for a Wilts Cllr to be able to call in an application for determination by the relevant WC Planning committee?

A5. A local Wiltshire Councillor can request that a planning application be determined by the relevant Committee provided that request is received within 21 days of the weekly list of applications being published. Government is currently considering

changes to the national planning delegation arrangements to introduce a national scheme of delegation. We'll know more about this later this year.

Q6. Wiltshire Council is the only planning authority with Green Belt in the South West not to have applied for Green Belt review support funding from the government and therefore the only one with areas in the Bristol and Bath Green Belt. How is Wiltshire Council justifying that decision?

A6. Our current focus is on the Wiltshire Local Plan review. The need for Green Belt review will be considered as part of the scoping out of what is involved in the preparation of the new Local Plan. Other local planning authorities are at different stages in their plan making and were in a better position to bid for the funding.

Q7. You have asked that parish councils attend and contribute at Planning Appeals to support Wiltshire Council but experience shows that sometimes Wiltshire Council do not defend at Appeal Hearings, and don't have the courtesy to let the parish councils know before hand – we find out at the start of the Hearing. Neighbourhood Plans are important parts of the development plan and therefore the parish council should/could be part of that discussion, and at the very least, informed.

A7. For those who have been involved in planning appeals, you will be aware how in-depth and complex the issues can be. For Inquiries, we appoint a barrister early in the process to advise us on the prospects of success and to get views about how best to defend the council's position. Sometimes that advice is that we simply don't have a case to answer. Other times, the grounds are weak and to fight the case exposes the council reputationally and financially. Sharing those views with members of the local community can cause us problems and weaken our negotiating position. This is why we often do not 'show our hand' until much later in the process. We are aware this causes frustration but we must be guided by counsel. If we can share information earlier, we always will.

Q8. Views - how are key views policies in NDPs assessed against a planning application?

A8. Policies within an adopted, up-to-date, Neighbourhood Development Plan carry full weight. If a development impacts a key view within the plan it will be material in the 'planning balance'. Factors that will also be taken into account will be the wording of the NDP policy and the level of impact the development would have on it.

Q9. NPPF 116 says that highways can only be grounds for refusal if impact on road network is severe - is there a definition of severe? I.E volume on a B or C road ?

A9. Judgements need to be made by the local highway authority depending on the particular circumstances relating to a particular development and the relevant

transport considerations. It is also important to read paragraph 116 as a whole, as this also now refers to the need to take into account all reasonable future scenarios.

Q10. s106 can also include transfers of assets like play areas, allotments, community facilities to parish councils, and its a battle to be included in any s106 discussions even if the parish council are to be nominated in them - as per above comment, can this be improved please?

A10. The challenge we have is that if we consult the Town or Parish Council, and issues are raised, this generates legal costs which invariably the developer will not pay for. Legal costs are substantial when negotiating a S106 agreements. We have tried to find a compromise that allows emerging S106 agreements to be shared, and we will keep that under review on a case-by-case basis. I should add that our role is to negotiate the best outcome for Wiltshire Council, and the communities that the council serves. We will always do that irrespective of whether we involve other parties in S106 negotiations.

Q11. As the emerging local plan has a change of policy to giving first refusal to parish councils for open space etc. on new developments, how is this already being implemented in advance of approval?

A11. Any interest from parish councils to take on open space can be considered as part of planning proposals.

Q12. How are enforcement and planning applications joined up. We have two applications in progress, which are subject to enforcement, but enforcement are not doing anything until planning decision has been made, even though unlawful changes have already been made. Thank you in advance.

A12. The functions of Planning Enforcement and Development Management are very much interrelated processes which are guided by the Town and Country Planning Act, National Planning Policy Framework (NPPF) and other related policies. The NPPF states that planning enforcement is discretionary and that Local Planning Authorities should act proportionately when dealing with suspected breaches of planning control. Without knowing the detail of the individual cases it is difficult to comment on them, however it is the right of any landowner to submit a planning application to attempt to mitigate any harm caused by their development, it would therefore not be a proportionate response to take enforcement action ahead of their applications being tested against current planning policies. If the application is not supported, enforcement actions can follow with the benefit that the merits of the case have already been tested against those policies which gives a far more robust action for any potential appeal.

Q13. Is anything happening on Design Codes and /or Design Guidance ?

A13. Link to Wiltshire Design Guide - [Wiltshire Design Guide - Wiltshire Council](#) To ensure that new developments, particularly new housing developments, are of a

consistent and high-quality standard of design, we have prepared a draft Wiltshire Design Guide.

Q14. Does WCC have a solar strategy yet?

A14. Here is a link to the Renewable Energy Assessment that has been prepared to inform policy in the emerging Local Plan:

https://www.wiltshire.gov.uk/media/11989/Wiltshire-Renewable-Energy-Assessment/pdf/wlpr19_Wiltshire_Renewable-Energy-Assessment_FINAL_accessible_reduced.pdf?m=1708967250423

Q15. Will planning appeals be judged against the new homes figure (3,525) and the shortfall against it?

A15. Yes - planning appeals are being assessed against the higher figure. We have received a number of decisions on this basis since the updated NPPF was published in December 2024.