

Wiltshire Council

Cabinet

15 March 2016

Question from Mr Richard Hames

1. Could the council please provide a list of all the documents relating to the planning applications for Rawlings green and East of Chippenham which were sent to Chippenham town council and Langley Burrell Parish.

Response:

In regard to the Rawlings Green application, Langley Burrell Parish Council received a complete hard copy set of application documents. This was confirmed on 22nd January. Chippenham Town Council have received a complete hard copy set of application documents, before the date of the 22nd January

For the East of Chippenham application, Chippenham Town Council received a complete hard copy set of the application documents. Langley Burrell received a CD containing all of the application documents, and a hard copy of the Environmental Statement (Delivered 12th February).

We have attached contents page of the Environmental Statement (EIA) for the East of Chippenham, which lists the information that was provided in paper copy.

2. Could the council please explain why Bremhill parish only received the EIA for both applications rather than a complete set of documents as Councillor Sturgis said would happen at the last Cabinet meeting. After much chasing they received further documents for Rawlings Green only.

Response:

The Council has provided Bremhill Parish Council with full set of documents in CD format, in addition to a paper copy of the Environmental Statement for the East of Chippenham planning application, which contains the majority of the information contained within the application documents. Unfortunately, the developer has refused to supply the paper copies of this document for the Council to pass onto the Parish Council. Given the costs are minimal in this case, Development Management has arranged for hard copies of the balance of documents to be delivered to the Parish Council.

With regards to the Rawlings Farm application, this application does not sit in the parish of Bremhill and therefore they have not been formally consulted. However, out of courtesy, we have provided them with a copy of the application documents on 7th March. We have agreed that Bremhill Parish Council could have more time to consider these documents if required.

Representations from Bremhill Parish Council have already been received on both applications; however we will accept comments on both applications up until the point of decision.

3. Is the council legally able on major planning applications to require that more than three hard copies of all documents be submitted. If the council is legally able to do so will the council please make it a policy going forward to require a least six hardcopies so that the relevant parish and town councils can receive a copy and one copy can be placed in a local library and another in a council building eg Chippenham council office.

It would make sense for developers to provide hard copies for all consultees which would include parish and town councils. Then additional copies could be provided to place in a local library and a council building.

Response:

The Council is not legally able to require any hard copies of an application if it has been submitted electronically. At present, developers have two options for submitting applications: electronically via the online national Planning Portal or on paper, in which case a total of four paper copies must be provided. National guidance encourages the electronic submission of documents as this facilitates effective consultation with the wider community, allowing anyone to view the whole of the application online at any time.

It is Wiltshire Council's practice to send a hard copy of applications to the Town and Parish Councils impacted by planning applications (unless they have opted out of receiving this service). This is not a requirement under National Policy.

The Council like most Local Authorities, Government Departments and Institutional bodies is moving to electronic based service delivery with use of the Council's website for publication of planning application documentation adopted as standard. The Council as a matter of practice does not make hard copy documents available in its offices for public viewing. This approach and practice has been in place for several years now. In each hub there is a computer access for members of the public to view planning applications online.

4. I understand that the council spent approximately two years dealing with the s106 for the development north of Chippenham. Other councils have a policy of requiring the S106 to be signed within a specified period for major developments failing which the planning consent lapses. The trouble with the Councils method of negotiation is that the bargaining chips are held by the developer. Will the council change its rules so that in future the developer is given a fixed period to reach agreement (this should be a matter of months) failing which the application lapses. This will result in the council holding the bargaining chips and will result in a better deal for the council taxpayer and less time spent by council officers.

Response:

If we cannot come to a negotiated agreement within a timescale that is appropriate for an application, we may refer the matter back to the planning committee for a decision, or proceed to determine it on the basis of the information submitted.

5. Availability of public documents in connection with the planning applications for Rawlings Green and East of Chippenham. As mentioned above were not distributed to Bremhill parish on a timely basis for Rawlings Green and in the case of East of Chippenham only the EIA has been received at the time this question was submitted. A resident of Tytherton Lucas tried to download one of the documents and, even though he is able to stream films, was unable to access the document. Does the council consider that adequate consultation has been given and the consultation is robust enough to defeat any judicial review. Would it not be more sensible, so as to avoid the possibility of any challenge, to restart the clock on consultation?

Response:

Yes. The Council considers that adequate consultation has been given. Any comments received on the applications until the point of decision will be taken into account by the case officer. (See answer to question 3).

We have received a high numbers of comments submitted electronically. Within Development Management there is a team of customer facing people who regularly sit with customers who are not confident using a computer, or talk through this process over the telephone. We publicise the Planning Officers direct telephone number and encourage people to get in touch if they have any questions relating to applications.

At the time of writing this response, 174 letters of representation has been received on the Rawlings Green application, and 169 letters have been received on the East of Chippenham application.

6. Could cabinet please explain why Chippenham town council is able to comment on planning matters but the Calne area board is not?

Response:

Chippenham Town Council is a statutory consultee on applications that sit within their boundaries. Calne Area Board is a committee of the Council.

7. Wiltshire Council has confirmed that the council is under no legal obligation to sell its land to Chippenham 2020. It further states that it's non legally binding email referred to a potential sale to assist development through the Chippenham sites allocation development plan document as part of the core strategy process.

Would the cabinet therefore consider writing to Chippenham 2020 informing them that they will not sell any land in area C to them unless the inspector has in his report included that land for development in the Chippenham site allocation plan and that The number of houses that can be built on such land would be limited to the number

of houses the inspector recommends in his report, if he approves development of the East of Chippenham site.

This would enable the council to defend its own draft plan and let the inspector consider all the new evidence the council is collecting.

Response:

The email to Chippenham 2020 was part of a series of emails that Council, as landowner, sent to a number of land owners/agents who were advancing for inclusion within the Chippenham sites allocation development plan land which adjoined Council land. The emails did not propose a sale to any of the landowners/agents. It indicated that if the landowners/agents were successful in getting their land included within the development plan then the council as land owner would be prepared to enter into a joint sale agreement (an agreement where both parties market their land together) subject to issues of best value considerations.

As to what the Council would do should Chippenham 2020 be granted planning consent before the Development plan is adopted this is a hypothetical question as to something that may or may not occur in the future based on a decision by the Council as Local Planning Authority which must base its decision on planning grounds only. The Council's land ownership is not a material planning consideration and therefore would have no part in any such decision. Any decision by the Council as landowner after that occurrence would be taken having regard to all of the relevant facts at that time.

Therefore the proposed communication is not necessary.

8. If the local press wished to interview the leader of the council and each cabinet member once a year for an in depth interview would you please confirm that the leader and each cabinet member would make themselves available?

Response:

As the leader of the council, I am pleased to update that we already schedule media briefings, as appropriate, to discuss matters affecting the council and the services we provide. We always welcome the opportunity to talk to the media, and I have encouraged and, previously scheduled, monthly meetings for all local media representatives to meet with myself and my cabinet members. Unfortunately, the media were unable to sustain this offer, but if an approach was made by them to meet annually, I would be pleased to schedule this time.