

Development Control and related matters

Section 1. Wiltshire planning authorities will:

1. Notify the local council of all planning applications received in respect of their parish, or any application in any adjoining parish which borders or crosses the parish boundaries, relating to:
 - a. Applications for planning permission, listed building and advertisement consent, demolition within a conservation area and lawful development certificates,
 - b. Telecommunications equipment, proposals relating to agricultural and forestry and demolition requiring prior consent under the notifications procedure,
 - c. Consultation applications for development by Government Departments;
2. Be prepared to clarify issues associated with such applications;
3. Whenever possible allow:
 - a. 21 days for the submission of representations by the local councils (the statutory minimum is 14 days) on applications,
 - b. 42 days for the submission of representations by the local council where the application has been accompanied by a statutory Environmental Assessment,
 - c. 10 days for the submission on representations on submissions for prior notification relating to telecommunications equipment*, agricultural and forestry buildings and demolition as there is a statutory requirement that these be determined by planning authorities within 28 days of receipt by those authorities. These will, in most cases need to be dealt with under the delegated procedure, due to timescales involved,
 - d. 10 days for the submission of representations in proposals where there has been a significant amendment to an application (that is where, in the view of officers, the character of the development has materially changed). *See footnote 1*
4. Provide, wherever possible, copies of the applications, including plans.
5. Ensure that where the local council's comments clearly differ from the action initially proposed by the planning authority to be dealt with under delegated authority, the matter shall be referred to the authority's Planning Committee.
6. Keep local councils informed on applications which the local council feel are of a controversial nature and wish to be kept informed of progress of the application, including the discharge of specific conditions following a formal decision being made on the application. The planning authority will keep local councils informed as requested, following receipt of formal notification from the local council.

**Where the proposal is for ground-based masts, 42 days are given under the prior approval procedure and therefore 21 days for the submission of representations by the local council will be given*

7. Report to the Planning Committee

- a. Any summary of the representations provided by the local council. Where no summary has been provided and the views of the local council appear to accord with the officer's recommendation, a summary will be prepared by the officers of the planning authority. This will be done on the understanding that a full copy of the local council's representations will be available for inspection on the planning file;

and
 - b. Any relevant comments which in whole or in part are clearly contrary to the recommendation of the Director of Environmental Services together with an explanation where there is a difference of views.
8. Provide local councils with a copy of the agenda prior to the date of the Planning Committee.
 9. Upon request, provide the local council with copies of Planning Committee minutes and decision notices in respect of their area or where a local council has commented on an application which crosses or borders the parish boundary.
 10. Ensure that the local council representatives are able to address the Planning Committee in accordance with the planning authorities current "open committee" policy.
 11. Investigate and respond as promptly as possible to reports made by the local council in connection with any alleged breaches of planning control.
 12. Notify local councils of the receipt of appeals, appeal decisions and also any decision of the Secretary of State falling within the parish where relevant.
 13. Provide periodic training courses and seminars for local councillors and their staff to aid an understanding of the planning process and matters which relate to the determination of planning applications.

Section 2. Wiltshire Town and Parish Councils will:

1. Acknowledge that planning authorities will not always be able to accede to the requests of the local councils.
2. Respond promptly in writing, to applications received from planning authorities in accordance with the time scales described in Section 1, paragraph 3.

3. Specify clearly and as fully as possible in writing the planning reasons for an objection to, or support for, a particular planning application. Where the local council is not concerned either way they will indicate that they have no comment, in order to avoid any ambiguity.
4. Create a means whereby the local council can respond in writing to any amended plans received from planning authorities (as in Section 1, paragraph 3.d.), within 10 working days or up to the day of the Planning committee where the applications is to be considered by Committee, whichever is the greater. *See footnote 2.*
5. Notify the planning authority if they wish to address the Planning Committee in accordance with the planning authority's current "open committee" policy.
6. Notify the planning authority in writing of applications that they feel are of a controversial nature and wish to be kept informed of progress on the application, including the discharge of specific conditions following a decision being made, to enable the planning authority to fulfil its part in complying with Section 1 paragraph 6.
7. Assist the planning authority by reporting, in writing, local breaches of planning control under the town and Country Planning legislations.

Footnote 1: This allows for comments to be made by local councils in accordance with timescales available within current legislation. If legislation changes, as far it relates to the publicity and notification procedures relevant to this protocol, the local councils will be formally notified by planning authorities and the charter will need amending accordingly.

Footnote 2: Some applications will not necessarily be considered by the Planning Committee if they fall within the ambit of the current delegated authority. Where the application is to be considered by the Committee and any representations are made after the agenda has been published but before the Committee considers the application, local councils are urged to submit comments as quickly as possible so their comments can be made available to the Committee on any late list.