



SPECIAL DELEGATION FORM

Salisbury City Council Standing Orders Para 26

Subject:	<i>Greyfisher Retail Development – Planning Appeal</i>
Committee:	<i>Full Council</i>
Item Number:	<i>n/a</i>
Date:	<i>16/07/2026</i>
Author:	<i>Andrew Hunt, Corporate Manager</i>
Report status:	<i>Special Delegation</i>
Confidential / Exempt:	<i>No</i>

1. Report Summary

1.1 Wiltshire Council refused planning application PL/2025/05931 for the proposed retail development at The Greyfisher, Ayleswade Road, Harnham, Salisbury. An appeal has subsequently been lodged by the developer and will be determined following a Planning Inspectorate Inquiry.

1.2 Salisbury City Council has formally opposed the proposed planning development and wishes to ensure that the interests of Salisbury, its residents, businesses and city centre are appropriately represented during the appeal.

1.3 This Special Delegation seeks authority for Salisbury City Council to participate in the appeal as a Rule 6 Party and to approve an initial budget of up to £30,000 for the professional, technical and legal support required to assess, prepare and present the Council's case.

1.4 Based on the information currently available, the Council's planning consultant has advised that an initial budget provision of up to £30,000 should be made for Rule 6 Party participation. This is the advised budget at this stage and is not a fixed estimate of the total cost. Actual expenditure may be lower or higher depending on

the scope of the case, the professional and technical evidence required, the experts appointed and the duration of the Inquiry.

1.5 Rule 6 Party status would make Salisbury City Council a formal party to the Inquiry alongside the appellant and Wiltshire Council, as the Local Planning Authority.

1.6 The planning consultant who provided the initial advice is not available to undertake the substantive preparation or management of the Council's Rule 6 case. The Council will therefore need to appoint appropriately qualified external professional advisers and expert witnesses.

1.7 Andrew Hunt, Corporate Manager, will act as the Council's internal project lead, overseeing the identification and procurement of external advisers, coordination of documentation and instructions, monitoring of deadlines and expenditure, liaison with relevant parties and reporting through the Council's governance arrangements.

1.8 The Council's case will be developed and kept under review on the basis of professional and technical evidence. Where advice indicates that a particular argument is weak, unsupported, duplicative or no longer proportionate to pursue, the scope of the Council's case may need to be narrowed, amended or discontinued.

2. Background and Planning Considerations

2.1 Wiltshire Council refused the application for four principal reasons:

- traffic, congestion and highway safety;
- the potential impact on existing local shops and the sustainability of local retail provision;
- potential impacts on residential amenity, including noise, lighting, disturbance and antisocial behaviour; and
- Biodiversity Net Gain.

2.2 Initial professional planning advice has been obtained on the refusal reasons and the potential issues arising from the appeal.

2.3 The advice identifies highways and transport as a principal issue likely to require detailed consideration. The relevant matters include whether the development would materially worsen existing congestion, whether it would create unacceptable highway or pedestrian safety impacts and whether the submitted Transport Assessment adequately assessed the relevant effects.

2.4 These are principally technical matters and may require specialist highways and transport evidence if they are to form a substantive part of the Council's Rule 6 case.

2.5 In relation to retail impact, the planning system does not generally protect individual businesses from competition. The relevant planning considerations are more likely to include:

- compliance with national and local retail planning policy;

- the sequential approach to site selection;
- whether there would be a significant adverse impact on the vitality and viability of an established centre; and
- whether the proposed location is accessible and sustainable.

2.6 Specialist retail planning advice may therefore be required before determining whether, and to what extent, retail matters should form part of the Council's case.

2.7 In relation to residential amenity, the issues are likely to depend on technical evidence concerning noise, lighting, vehicle movements, customer activity and other potential disturbance. Consideration will also need to be given to whether any identified impacts could be adequately addressed through planning conditions.

2.8 In relation to Biodiversity Net Gain, further specialist advice may be required to determine whether there is a sufficiently robust basis for the Council to pursue this matter independently.

2.9 The positions of Wiltshire Council and the appellant may change as the appeal progresses. Matters currently in dispute may be agreed, narrowed or withdrawn before the Inquiry.

2.10 Rule 6 Party status would enable Salisbury City Council to present an independent case. It would not, however, require the Council to continue pursuing every original reason for refusal irrespective of subsequent evidence or professional advice.

3. External Professional Support and Project Management

3.1 The Council's existing planning consultant has provided initial advice on the refusal reasons, the potential scope of Rule 6 participation and a provisional estimate of expenditure. The consultant is not available to undertake the substantive preparation or management of the Council's case.

3.2 The Council will need to identify and appoint appropriately qualified and experienced external professional advisers and expert witnesses.

3.3 The first priority will be to appoint a suitably experienced lead planning consultant to:

- review the appeal documentation and evidence;
- advise on the strength and scope of the Council's case;
- identify the issues that should reasonably be pursued;
- advise on the additional technical evidence required;
- coordinate the preparation of the Council's planning case; and
- support compliance with the Inquiry timetable.

3.4 Early advice may also be required from a barrister or planning solicitor to consider the legal and procedural position, advise on the strength and presentation of the Council's case and provide representation at the Inquiry where appropriate.

3.5 Subject to the initial professional review, external specialists may be required in relation to:

- highways and transport;
- retail planning and town-centre impact;
- noise, lighting and residential amenity;
- ecology and Biodiversity Net Gain;
- planning policy and appeal strategy;
- legal and procedural matters;
- preparation of written evidence and Proofs of Evidence; and
- advocacy and Inquiry representation.

3.6 Andrew Hunt, Corporate Manager, will act as the Council's internal project lead. His role will include:

- overseeing the identification and procurement of the external professional team;
- coordinating instructions and supporting documentation;
- monitoring procedural deadlines;
- monitoring expenditure against the authorised budget;
- coordinating liaison with Wiltshire Council and the Planning Inspectorate;
- maintaining appropriate project and decision records; and
- reporting progress through the Council's governance arrangements.

3.7 External advisers and expert witnesses will be instructed to provide independent and objective professional advice. Their role will be to assess the evidence and advise the Council on the case that can reasonably and properly be advanced.

3.8 Professional support should be commissioned in stages wherever practicable. Appropriate scopes of work, fee estimates and expenditure controls should be established before appointments are confirmed.

3.9 If the appointed planning adviser, barrister or technical experts conclude that a particular ground is weak, unsupported by sufficient evidence, duplicative of Wiltshire Council's case or no longer reasonable or proportionate to pursue, the Council should be able to narrow, amend or discontinue that element.

4. Rule 6 Party Participation

4.1 A Rule 6 Party is a formal party to a planning appeal Inquiry alongside the appellant and the Local Planning Authority.

4.2 As a Rule 6 Party, Salisbury City Council may:

- submit a formal Statement of Case;
- submit detailed professional and technical evidence;
- prepare and submit Proofs of Evidence;
- call its own witnesses;
- participate in case management discussions;
- cross-examine witnesses from other parties;

- have its own witnesses cross-examined; and
- obtain legal or advocacy representation at the Inquiry.

4.3 This level of participation would give the Council a greater ability to present an independent case and respond to developments during the appeal.

4.4 Rule 6 Party status also carries significant procedural responsibilities. The Council will need to comply with the timetable and directions established by the Planning Inspectorate, including the preparation and submission of its Statement of Case and any subsequent evidence.

4.5 The precise scope of the Council's case cannot be finally determined until the appeal documentation and supporting evidence have been reviewed by the appointed professional team.

4.6 The Council should liaise closely with Wiltshire Council to understand the case it intends to present and to avoid unnecessary duplication of professional and technical evidence.

5. Relevant Policy Considerations

5.1 The Salisbury Neighbourhood Development Plan 2020–2038 forms part of the statutory Development Plan and contains policies relevant to the appeal. These include:

- Policy 11 – Biodiversity Net Gain;
- Policy 21 – Sustainable Transport;
- Policy 22 – Cycling and Walking Infrastructure; and
- Policy 28 – Major Food Retail.

5.2 Policies 21 and 22 provide potential support in relation to transport and movement issues. They seek to support sustainable transport and safe and effective walking and cycling connections.

5.3 These policies are relevant to concerns about additional traffic, turning movements and potential conflict between vehicles, pedestrians and cyclists.

5.4 However, the policies do not establish that unacceptable harm has occurred simply because the development is located on a congested road. Any case advanced by the Council would need to be supported by appropriate technical evidence.

5.5 Policy 28 is relevant to food retail development. The relevant planning considerations include whether the development is appropriately located, whether a suitable site closer to an established centre was available, whether the proposal would significantly harm an established centre and whether the location is accessible and sustainable.

5.6 Policy 11 requires Biodiversity Net Gain. The strength of this issue will depend on whether the applicant has followed the required statutory process and whether the proposed biodiversity gain can properly be secured.

5.7 The relevance and weight of these policies should be assessed by the appointed professional advisers as part of the preparation of the Council's Rule 6 case.

6. Financial Considerations

6.1 The Council's planning consultant has provided an initial provisional estimate that Rule 6 Party participation could involve expenditure of up to £30,000.

6.2 The £30,000 is an indicative working estimate only. It is not:

- an official Planning Inspectorate figure;
- a formal quotation;
- a fixed assessment of the final cost; or
- a guarantee that every possible element of the Council's case can be delivered within that amount.

6.3 There is no Planning Inspectorate fee merely for obtaining Rule 6 Party status. The financial implications arise from the professional, technical, legal and administrative resources required to prepare and present the Council's case.

6.4 The eventual cost will depend on matters including:

- the scope and complexity of the Council's case;
- the number of planning issues pursued;
- the type and number of advisers and expert witnesses required;
- the amount of technical evidence to be prepared;
- the need for barrister or solicitor involvement;
- the preparation and conference time required;
- the volume of evidence submitted by the other parties;
- the duration of the Inquiry;
- the number of Inquiry attendance days required; and
- whether issues are agreed, narrowed or withdrawn before the Inquiry.

6.5 Barristers, consultants and expert witnesses may incur costs for reviewing documents, attending conferences, preparing written evidence, responding to other parties' evidence and attending the Inquiry.

6.6 The length of the Inquiry and the number of professional attendance days required are therefore significant variables in the eventual cost.

6.7 The £30,000 should be approved as a maximum budget authority based on the information currently available. Approval would not constitute a commitment to spend the full amount.

6.8 External professional support should be commissioned in stages wherever practicable, supported by appropriate scopes of work and fee estimates.

6.9 Expenditure and the continued value of further professional work should be reviewed as the appeal progresses.

6.10 Any expenditure above the authorised maximum of £30,000 would require further approval in accordance with the Council's governance.

6.11 The Responsible Finance Officer will confirm the appropriate funding source for any expenditure incurred.

7. Risk and Case Management

7.1 Rule 6 Party participation creates financial, procedural, legal, resource and reputational risks which will require active management.

7.2 The Council must ensure that the case it advances is relevant to planning considerations, reasonable and supported by appropriate professional and technical evidence.

7.3 There is a risk that evidence commissioned by Salisbury City Council could duplicate evidence being presented by Wiltshire Council. This will be managed through liaison with the Local Planning Authority and the appointed professional advisers.

7.4 There is also a possibility that Wiltshire Council may narrow, amend or withdraw elements of its case as the appeal progresses.

7.5 The Council must therefore keep its own case under review and should not continue to pursue an issue solely because it formed part of the original reasons for refusal.

7.6 As a formal party, the Council will need to comply with all relevant procedural requirements and deadlines. Failure to do so could prejudice its participation or the consideration of its evidence.

7.7 Unreasonable behaviour that causes unnecessary or wasted expense may result in another party applying for an award of appeal costs.

7.8 The Council's expenditure on its own professional and technical support is separate from any potential liability arising from an award of appeal costs. The proposed £30,000 authority should not be regarded as a limit on any separate costs liability.

7.9 The principal risks will be managed through:

- independent professional and technical advice;
- legal or barrister advice where appropriate;
- liaison with Wiltshire Council;
- staged commissioning of professional support;
- clear scopes of work and fee estimates;
- monitoring of deadlines and expenditure;
- ongoing review of the evidence and strength of the case; and

- narrowing, amending or discontinuing elements that are not sufficiently supported or proportionate to pursue.

8. Justification for Special Delegation

8.1 A Special Delegation is required because the appeal is proceeding to a Planning Inspectorate Inquiry and is subject to fixed procedural deadlines.

8.2 A prompt decision is required to enable the Council to:

- confirm its participation as a Rule 6 Party;
- identify and appoint the necessary external professional advisers;
- obtain legal and technical advice;
- review the appeal evidence;
- prepare its Statement of Case;
- commission any necessary technical work; and
- comply with the Inquiry timetable.

8.3 The matter cannot reasonably wait until the next scheduled meeting of the Council because delay could prejudice the Council's ability to assemble the required professional team and prepare an effective and properly evidenced case.

8.4 This therefore represents an urgent matter for the purposes of Standing Order 26.

9. Recommendation

The Leader of the Council and the other authorised Councillors considering this Special Delegation are recommended to:

9.1 Confirm that Salisbury City Council will participate in the Greyfisher planning appeal as a Rule 6 Party.

9.2 Authorise expenditure of up to £30,000 to support the Council's Rule 6 Party participation, including the appointment of external planning, legal, highways, transport, retail, ecological and other professional advisers or expert witnesses where required.

9.3 Note that the £30,000 figure is an initial provisional estimate provided by the Council's planning consultant. It is not an official Planning Inspectorate figure, a formal quotation or a fixed assessment of the final cost, and approval does not constitute a commitment to spend the full amount.

9.4 Authorise the Chief Executive Officer, following appropriate professional and legal advice and in consultation with the Leader of the Council, to determine the detailed scope and conduct of the Council's case, including narrowing, amending or discontinuing any element that is not sufficiently supported by evidence, proportionate or in the Council's interests to pursue.

8 Implications:

Implication Area	Impact	Comments / Mitigation
Financial	High	The Council's planning consultant has provided an initial provisional estimate of expenditure of up to £30,000. This is not an official Planning Inspectorate figure, a formal quotation or a fixed total. The final cost will depend on the scope of the case, the professional advisers and expert witnesses required, preparation and attendance time and the duration of the Inquiry. The £30,000 represents a maximum financial authority rather than a commitment to spend the full amount. Expenditure will be commissioned in stages and kept under review. Any requirement to exceed the approved limit would require further authority.
Legal	High	Rule 6 status would make the Council a formal party to the Inquiry and create procedural responsibilities. Legal and barrister advice may be required. The Council must ensure that its case remains reasonable and evidence-based. Unreasonable behaviour could result in an application for an award of appeal costs.
Risk	High	Risks include financial exposure, insufficient or weak evidence, procedural failure, duplication of Wiltshire Council's case, changes to the Local Planning Authority's position and the resource demands of Inquiry participation. These risks will be managed through professional advice, staged commissioning, liaison with Wiltshire Council and ongoing review of the strength and scope of the Council's case.
Personnel	High	The Council does not have the specialist planning, legal or technical capacity internally to prepare and present the Rule 6 case. External professional advisers and expert witnesses will therefore need to be appointed. Andrew Hunt, Corporate Manager, will act as the internal project lead and oversee procurement, coordination, deadlines, documentation, expenditure and reporting. The project will require a significant internal coordination and governance commitment.
Environmental Impact	Medium	The appeal raises matters including sustainable transport, walking and cycling and Biodiversity Net Gain. Any case advanced by the Council on these matters should be supported by appropriate professional and technical evidence.
Equalities Impact Statement	Low	No significant direct adverse equalities implications have been identified. Accessibility and safety for pedestrians, cyclists and vulnerable highway users may form part of the wider planning evidence.
Community / Public Impact	High	The appeal is of significant local interest and may affect residents, businesses, the city centre and users of the local highway network. Rule 6 participation would enable the Council to present an independent case where supported by appropriate evidence.
Procurement / Contractual	Medium	External planning, technical and legal specialists will need to be identified and may need to be appointed at short

		notice. Appointments will be made in accordance with the Council's Financial Regulations and Procurement Policy, having regard to the specialist and time-sensitive nature of the work. Appropriate scopes of work and fee estimates will be obtained.
Property / Asset	Low	No direct impact on Council-owned land, buildings or other assets has been identified.
Data Protection	Low	No significant data protection implications have been identified. Any personal information processed in connection with the appeal will be handled in accordance with the Council's data protection obligations.

Having considered the Special Delegation request above, and the reasoning behind it, I confirm that I APPROVE the request.

Councillor/s: *Jenny Bolwell - Mayor*, *VICTORIA CHARLESTON*

Date: *16/7/2026*

17/07/26

Please return the signed form to the Chief Executive Officer, The Guildhall, Market Place, SP1 1JH - Thank you.