

NOTIFICATION OF DECISION REGARDING THE APPLICATION FOR DESIGNATION OF SEAGRY PARISH NEIGHBOURHOOD AREA UNDER SECTION 61G OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED

APPLICANT:

Seagry Parish Council

APPLICATION:

Application for the Designation of Seagry Parish Neighbourhood Area

Pursuant to the Wiltshire Council constitution and in particular Part 3B the Service Director for Economic Development and Planning within whose remit Spatial Planning falls is authorised to consider the area designation applications for Neighbourhood Plans and if appropriate approve applications.

DECISION:

The Designation of Seagry Parish Neighbourhood Area is approved in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. The reasons for this decision are set out in the accompanying 'Neighbourhood Area Designation Application Report'.

Signed:



Alistair Cunningham

Associate Director

Economic Development and Planning

Dated: 01.09.15

WILTSHIRE COUNCIL

NEIGHBOURHOOD AREA DESIGNATION APPLICATION REPORT – OFFICERS DECISION ACTING UNDER DELEGATED POWERS

| | |
|------------------------------|----------------------------------|
| Date of application | 06.07.2015 |
| Date of decision | 01.09.2015 |
| Name of proposed designation | Seagry Parish Neighbourhood Area |
| Community Area | Chippenham Community Area |

1. INTRODUCTION

1.1 Pursuant to the Wiltshire Council constitution and in particular Part 3B the Associate Director for Economic, Development and Planning within whose remit Spatial Planning falls is authorised to consider the area designation applications for Neighbourhood Plans and if appropriate approve applications.

2. BACKGROUND

2.1 The power to designate a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012 (which came into force on 6 April 2012) an area application has to include a map which identifies the area to which the application relates, a statement explaining why this area is considered appropriate to be designated as a neighbourhood area and a statement that the body making the application is a relevant body for the purposes of section 61G(2) of the 1990 Act.

2.2 Seagry Parish Council forms the 'relevant body' (for the purposes of section 61G (2) of the Town and Country Planning Act 1990) and submitted an application for the designation of Seagry Parish Neighbourhood Area. The application is for the whole area of Seagry Parish to be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning and so satisfies section 61G(3) of the Act. The submission of the application complied with the regulations.

2.3 The Seagry Neighbourhood Plan Steering Group has been set up to prepare the plan and is led by the Parish Council. The Group includes a cross section of community representatives that meet regularly to develop the draft plan.

3. PROCEDURE

3.1 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a neighbourhood area, consideration must be given to whether the authority should designate the area concerned as a business area. The designation of the specified area can only occur if the authority considers that the area is wholly or predominately business in nature [Section 61H (3)].

3.2 If the application for the Designation of this Neighbourhood Area is approved, then Regulation 7(1) of the Neighbourhood Planning (General) Regulation 2012 requires the designation to be publicised. If the application is refused, reasons must be given under 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.

4. CONSIDERATION AS TO WHETHER OR NOT TO DESIGNATE

- 4.1 In determining the application for the designation as a Neighbourhood Area regard must be had to the desirability of designating the whole area.
- 4.2 The issue is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.
- 4.3 The fact that the designation of the Seagry Parish Neighbourhood Area would allow a Neighbourhood Plan to be prepared does not form part of the determination of this application.

5. REASONING FOR DESIGNATION

- 5.1 The proposed area for designation includes the whole parish area of Seagry and is considered appropriate. The physical geography of the area makes it a logical planning unit. The parish is clearly defined with an existing and active Parish Council and a tight community that provide a strong administrative core and has a distinctive rural identity. The two settlements within the parish of Upper Seagry (identified as a small village within the Wiltshire Core Strategy) and Lower Seagry are centrally located within the Parish, with the surrounding area being rural in nature. Designation of the parish will enable a neighbourhood plan to guide sustainable development locally taking into consideration the area's open character, assets of high community value in the area and future needs of the Plan area in terms of infrastructure and development.
- 5.2 The specified area falls completely within the Council's area.
- 5.3 The application for designation as a Neighbourhood Area was publicised for a period of 6 weeks and 2 days from 9am Monday 6th July until 5pm Wednesday 19th August 2015.
- 5.4 In total 4 responses were made within the consultation period. The comments from Chippenham Without, Dauntsy and Kington St Michael Parish Councils are in support of the Neighbourhood Area Designation. The 4th response was from the MOD who asked that no development exceed 45.7m within the area designation, due to low flying aircraft from the nearby RAF Base.
- 5.5 All representations received were taken into account, in the decision making process for the designation of this Neighbourhood Area. The representations received are set out in Appendix 1.
- 5.6 The proposed Seagry Parish Neighbourhood Areas is coherent, consistent and appropriate in planning terms.

6. CONCLUSION

- 6.1 The reasons set out in the report above and the results of the consultation with the public lend support to the designation. It is considered that the specified area [the subject of the application] is an 'appropriate area' upon which to base a subsequent Neighbourhood Plan.
- 6.2 The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.

6.3 It is also considered that it is not desirable that only part of such parish areas be designated as this could lead to fragmented approach within those areas.

6.4 A copy of this report will be sent to the constituent qualifying body and the Seagry Parish Neighbourhood Plan Steering Group.

7. **DECISION**

7.1 **The Designation of the Seagry Parish Neighbourhood Area is approved** in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning.

A handwritten signature in black ink, appearing to read 'Alistair Cunningham', is written over a faint, light-colored rectangular stamp or watermark.

Alistair Cunningham
Associate Director
Economic Development and Planning Services

Dated: 01.09.15

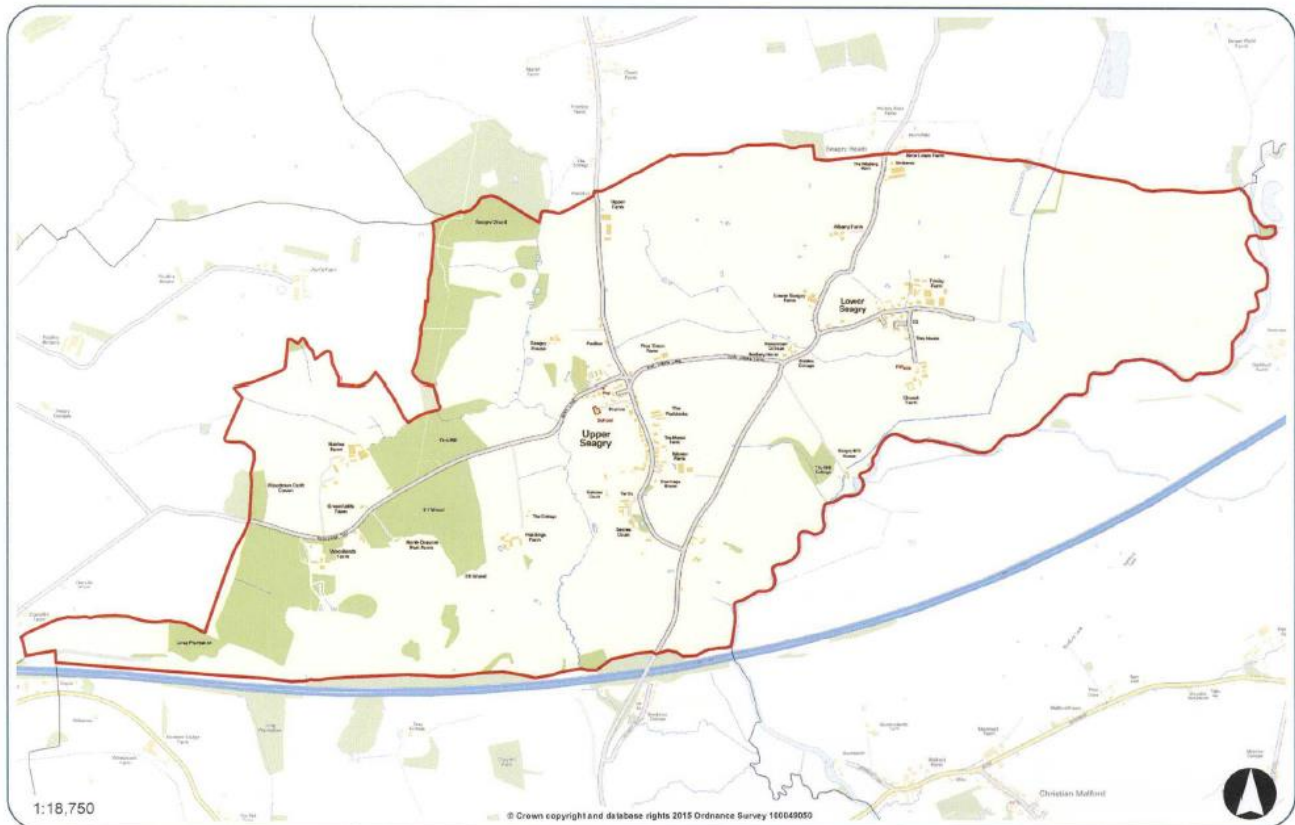
Appendix 1: Responses submitted to Wiltshire Council during the consultation on the application for designation of Seagry Parish Neighbourhood Area

| Respondent | Comments |
|-----------------------------------|---|
| <i>Comments in support</i> | |
| Chippenham Without Parish Council | <p>I refer to the consultation in regards to the Seagry Parish Council application for the designation of a Neighbourhood Area.</p> <p>My Council has considered the application details and has asked me to inform you that they wish to raise no objections and offer their support.</p> <p>The Council sees this as the start of the continuing process of local communities getting even more involved in determining their futures and wish the Parish Council and their Neighbourhood Planning Steering Group well in their endeavours.</p> <p>The Parish Council trusts that their observations will be taken into consideration when the Seagry Parish Council's application is determined.</p> |
| Dauntsy Parish Council | <p>I refer to the consultation in regards to the Seagry Parish Council application for the designation of a Neighbourhood Area.</p> <p>My Council has considered the application details and has asked me to inform you that they wish to raise no objections and offer their support.</p> <p>The Council sees this as the start of the continuing process of local communities getting even more involved in determining their futures and wish the Parish Council and their Neighbourhood Planning Steering Group well in their endeavours.</p> <p>The Parish Council trusts that their observations will be taken into consideration when the Seagry Parish Council's application is determined.</p> |
| Kington St Michael Parish Council | <p>I refer to the consultation in regards to the Seagry Parish Council application for the designation of a Neighbourhood Area.</p> <p>My Council has considered the application details and has asked me to inform you that they wish to raise no objections and offer their support.</p> <p>The Council sees this as the start of the continuing process of local communities getting even more involved in determining their futures and wish the Parish Council and their Neighbourhood Planning Steering Group well in their endeavours.</p> <p>The Parish Council trusts that their observations will be taken into consideration when the Seagry Parish Council's application is determined.</p> |
| Ministry of Defence | <p>Thank you for consulting the Ministry of Defence (MOD) in relation to the above consultation.</p> <p>The area of Seagry is encompassed by the statutory safeguarding aerodrome zones for Hullavington Barracks and RAF Lyneham.</p> <p>The MODs main concerns to development in this area relates to tall structures which may infringe/inhibit defence operational capabilities. Therefore, any development exceeding 45.7m in height needs to be referred to this office for review.</p> <p>I trust this adequately explains our position on this matter.</p> |

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF SEAGRY PARISH NEIGHBOURHOOD AREA UNDER SECTION 61(G) OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED)

1. I have no private interests to declare in respect of this matter which would prevent me from determining this application.
2. I hereby exercise power under section 61G of the Town and Country Planning Act 1990 (as amended) ("the Act") and all other powers delegated to me to designate the area identified on the map below as the Seagry Parish Neighbourhood Area for the purposes of section 61G (1) of the Act) as I am satisfied that the area is an appropriate area to be designated as a neighbourhood area. I do not designate it as a business area for the purposes of section 61H (1) of the Act as it is not wholly or predominately business in nature.
 - a) Name of neighbourhood area: Seagry Parish
 - b) Map of neighbourhood area:

Seagry Parish Boundary



- c) Relevant body: Seagry Parish Council form the 'relevant body' (for the purposes of 61G(2) of the Town and Country Planning Act 1990)
- d) I have made this decision in line with the information set out in the 'Neighbourhood Area Designation Application Report'.

Signed:

A handwritten signature in black ink, appearing to read 'Alistair Cunningham', written in a cursive style.

Alistair Cunningham

Associate Director

Economic Development and Planning

Decision published: 01.09.15