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

APPLICANT:

Hilperton Parish Council

APPLICATION:

Application for the Designation of Hilperton Neighbourhood Area

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.

DECISION:

The Designation of Hilperton 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’.

In order to designate the Hilperton Neighbourhood Area the existing boundary of the Hilperton Neighbourhood Area, as originally designated on 20.09.2016, was modified in accordance with section 61G(6) of the Town and Country Planning Act 1990.

Signed:

Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 27.06.2017
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 Hilperton 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 Hilperton Neighbourhood Area, to align with changes to the parish boundary that were made through the Wiltshire Council (Reorganisation of Community Governance) Order 2016 and are in effect from 1 April 2016.

2.3 The application is for the whole parish area of Hilperton, that will be in effect from 1 April 2016, 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.

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 as a business 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 when the decision is publicised.

3.3 The proposed neighbourhood area is already part of a designated neighbourhood area and since neighbourhood areas must not overlap with each other (section 61G(7) Town and Country Planning Act 1990) a new neighbourhood area cannot be designated unless the existing neighbourhood area is modified. Under section 61G(6) Town and Country Planning Act 1990 the authority in determining any application, can modify designations already made, prior to a neighbourhood area being designated and if the modification relates to any extent to the area of a parish council it can only be made with the parish council’s consent. The existing neighbourhood area that must be modified is the Hilperton Neighbourhood Area, which extends beyond the boundaries of Hilperton Parish into Trowbridge. Trowbridge Town Council must therefore consent to the modification of the existing Hilperton Neighbourhood Area prior to the current designation of Hilperton Parish as a neighbourhood area.

3.4 In determining the application the local planning authority would also need to consider the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas as per section 61G(4)(b) Town and Country Planning Act 1990.

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\(^1\) and whether or not it is appropriate to modify the existing neighbourhood area.

4.3 The fact that the designation of the Hilperton 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 parish of Hilperton is located to the east of Trowbridge. The south-western part of the parish contains the Large Village of Hilperton, as defined by the Wiltshire Core Strategy (WCS). Hilperton Parish borders the Principal Settlement of Trowbridge as defined by the WCS and the settlement boundary (built up area) of Trowbridge, abuts the settlement boundary of Hilperton. While the settlements are contiguous, Hilperton is a separate village. The built up areas of Trowbridge and Hilperton encircle an area of open space to the west of Hilperton village and this land is bisected by the Hilperton relief road known as Elizabeth Way. The remainder of the parish is rural with dispersed dwellings, farms and the hamlet of Whaddon.

5.2 The application refers to the boundary of the parish having been amended by the Wiltshire Council Reorganisation of Community Governance Order 2016, which came into effect on

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\(^1\) Paragraph 033 Reference ID: 41-033-20140306
1 April 2017. Prior to this boundary change the south-western part of Hilperton parish contained a housing development (Paxcroft Mead) that is included within the settlement of Trowbridge and part of this development has now become part of Trowbridge parish.

5.3 The proposed area for designation through this application is the whole of Hilperton Parish as a single parish neighbourhood area as set out in the map included with the application. The reason for the proposed designation is to align with the new parish boundary. It is not desirable to maintain the existing neighbourhood area boundary as this would result in part of Trowbridge parish being included within the Hilperton neighbourhood area. The designation would allow Hilperton Parish Council to produce a neighbourhood plan for the area that is entirely within their jurisdiction.

5.4 As described above, Hilperton Parish is adjacent to the Principal Settlement of Trowbridge at which further growth needs to be accommodated in accordance with the WCS. Land adjacent to Trowbridge, within the south west of Hilperton parish, is being considered in planning for the sustainable growth of the town, consistent with the Core Strategy. As such, consideration has been given as to whether a smaller area of the parish would be the appropriate area to designate to avoid the fragmentation of Trowbridge. As per the existing neighbourhood area designation, it was concluded that the contiguous nature of Hilperton village and Trowbridge town and the absence of any allocation in an adopted plan that would define the future extent of Trowbridge at this location, any smaller area could be considered arbitrary.

5.5 However, in the light of the requirement for the neighbourhood plan to be in general conformity with the Local Plan (including the Core Strategy), as the neighbourhood plan progresses the parish council and the local planning authority will need to ensure that conflict does not arise.

5.6 The whole area of the parish of Hilperton may be considered an appropriate area to be designated as a neighbourhood plan area. The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.

5.7 It is proposed that the existing Hilperton Neighbourhood Area (as originally designated on 20 September 2016) is modified and both councils involved have given their consent. In submitting their application to have the parish of Hilperton designated as an individual neighbourhood area it is deemed that Hilperton Parish Council have already consented to the necessary modification. Trowbridge Town Council has provided written consent.

5.8 The resulting Hilperton Neighbourhood Area is considered a valid planning unit.

5.9 The area proposed for designation as Hilperton Neighbourhood Area falls completely within the Council’s area.

5.10 The application for designation of Hilperton Neighbourhood Area was publicised for a period of 6 weeks and 2 days from Thursday 27 April 2017 until 5pm Monday 12 June 2017.

5.11 One representation has been received during the consultation period in support of the proposed neighbourhood area and is set out at Appendix 1.
6. CONCLUSION

6.1 The reasons set out above lend support to the designation of Hilperton Neighbourhood Area. It is considered that the specified area (the subject of the application, as shown on the submitted map) is an 'appropriate area' upon which to base a Neighbourhood Plan. The existing Hilperton Neighbourhood Area has been modified, after consent of the relevant councils, to accommodate the current designation of the Hilperton Neighbourhood Area.

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 A copy of this report will be sent to the qualifying body, Hilperton Parish Council and Trowbridge Town Council as well as other neighbouring parishes and will be publicised according to the regulations.

7. DECISION

7.1 The Designation of the Hilperton 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.

7.2 In designating the Hilperton Neighbourhood Area the existing boundary of the Hilperton Neighbourhood Area, as originally designated on 20.09.16 was modified in accordance with section 61G(6) of the Town and Country Planning Act 1990.

Signed:

Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 27.06.17
DECISION REGARDING THE APPLICATION FOR DESIGNATION OF HILPERTON 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 modify the boundary of the Hilperton Neighbourhood Area, as shown on Plan A. I am satisfied that it is appropriate to modify the neighbourhood area as shown on Plan A, and I confirm that consent was received from each parish council to which the modification relates.

   a) Name of neighbourhood area: Hilperton Neighbourhood Area

   b) Plan A: Map of the Hilperton Neighbourhood Area, as modified 27.06.2017

   c) I have made this decision in line with the information set out in the ‘Neighbourhood Area Designation Application Report’.

3. 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 Hilperton 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: Hilperton Neighbourhood Area

b) Plan B: Map of the Hilperton Neighbourhood Area as modified 27.06.2017

c) I have made this decision in line with the information set out in the ‘Neighbourhood Area
Designation Application Report’.

Signed:

Alistair Cunningham
Associate Director
Economic Development and Planning

Date: 27.06.2017
Appendix 1: Responses submitted to Wiltshire Council during the consultation on the application for designation of Hilperton Neighbourhood Area

The full representations and attachments can also be viewed online at http://consult.wiltshire.gov.uk/portal/spatial_planning/np/hilperton_npdesig_2017

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<thead>
<tr>
<th>Respondent</th>
<th>Comments</th>
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<tr>
<td>Cllr Ernie Clark</td>
<td>Please register this comment as my full support for the revised area application. The revised Area Application comprises the whole, but no more, of the revised parish. As such it is a logical area for the Neighbourhood Plan to cover. Ernie Clark, Wiltshire Councillor for Hilperton Division</td>
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