

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

APPLICANT:

Hullavington Parish Council

APPLICATION:

Application for the Designation of Hullavington Parish 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 application for the Designation of Hullavington 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'.

In order to designate the Hullavington Parish Neighbourhood Area **the existing boundary of the Hullavington Neighbourhood Area, as designated on 20.04.2016, 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: 23.09.2016

**WILTSHIRE COUNCIL
NEIGHBOURHOOD AREA DESIGNATION APPLICATION REPORT - OFFICERS DECISION
ACTING UNDER DELEGATED POWERS**

Date of application	22.07.2016
Date of decision	23.09.2016
Name of proposed designation	Hullavington 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 Hullavington 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 Hullavington Parish Neighbourhood Area. The application is for the whole area of Hullavington 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.

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 predominantly 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) Regulations 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.
- 3.3 The proposed neighbourhood area is already part of a designated neighbourhood area. A local planning authority (LPA) can amend the boundary of a neighbourhood area after it has been designated only if the local planning authority is responding to a new application for a

neighbourhood area to be designated¹. Under section 61G(6)(b) TCPA 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 of the area of a parish council it can only be made with the parish council's consent.

- 3.4 In determining the application the LPA 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) TCPA 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. The issue is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.
- 4.2 If the Council considers that it is not an appropriate area, it must designate some or all of the specified area as one or more neighbourhood areas.
- 4.3 The fact that the designation of the Hullavington Parish Neighbourhood Area would allow 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 Hullavington. The parish is located within the Chippenham Community Area. Hullavington village is designated in the Wiltshire Core Strategy as a Large Village. The parish contains the village of Hullavington. The south east of the parish contains a small area of the Hullavington Airfield. There are some military dwellings within this area of the airfield that lies within Hullavington Parish (Wellington Place). The rest of the parish is predominantly rural consisting of several hamlets and isolated farm complexes that are considered to be within the open countryside as defined by the Wiltshire Core Strategy.
- 5.2 The Parish Council identify in their application that designation of the whole parish as a neighbourhood area would allow for a neighbourhood plan to be prepared that takes fully into account planning issues relating not only to Hullavington village and Wellington Place as the main population centres but also Kingway, Surrendell, Farleaze, Townleaze and Brookside. The application sees that key issues are a desire to retain the rural setting, the need to foster a better community spirit across all parts of the parish, a need to provide better community facilities and an importance of retaining public transport.
- 5.3 Whilst the previous designation considered that Wellington Place was geographically related to the rest of the Hullavington Airfield, the current application provides additional information showing that Wellington Place has strong functional links to Hullavington village and is well linked to the rest of Hullavington Parish.
- 5.4 Whilst it is recognised that the original Hullavington Neighbourhood Area designation excluded the Hullavington Airfield, the decision relating to this new application must have regard to the strong functional relationship of Wellington Place with Hullavington village. It was deemed that to designate part of the airfield within the neighbourhood area would fragment the airfield and the conservation area. In light of the new information provided by

¹ Paragraph 037 Reference ID: 41-037-20140306

Hullavington Parish Council with the new application, it is considered that it would be beneficial to include in the neighbourhood area the part of the Hullavington Airfield that lies within Hullavington parish. It is also acknowledged that a portion of the Hullavington Airfield is already designated within the Malmesbury Neighbourhood Area. The proposed area is therefore considered appropriate as a neighbourhood area.

- 5.5 Since part of the proposed neighbourhood area is already designated as a neighbourhood area the local planning authority may not designate a neighbourhood area that overlaps with an existing neighbourhood area. The considerations must therefore include the **desirability of maintaining existing boundaries of neighbourhood areas already designated and of modifying the existing neighbourhood area** which may be done prior to designating a new area.
- 5.6 As Hullavington Parish Council has applied for the whole parish to be designated as an individual neighbourhood area and has provided additional information to support the designation, it is therefore not considered desirable to maintain the boundaries of the current Hullavington neighbourhood area designation, and a modification of the Hullavington Neighbourhood Area, as originally designated on 20 April 2016 is necessary.
- 5.7 A modification can be made by a planning authority in response to a new application and after all parishes involved in the neighbourhood area have given their consent. In this case the relevant body is the same parish council that has made the application being considered, therefore it is deemed that in making the new application the parish council has given their consent for modification.
- 5.8 The designation of the whole parish of Hullavington as a neighbourhood area will include part of Hullavington Airfield and a military housing area, Wellington Place. Core Policy 37 of the Wiltshire Core Strategy provides for the redevelopment, conversion or change of use of military establishments. The policy states that the re-use of significant redundant MoD sites, will focus on economic-led development and other uses should be determined through a masterplanning approach with the local community. A key strategic goal as set out in paragraph 5.48 of the Wiltshire Core Strategy is to plan for the potential re-use of the Hullavington MoD site and that it is a conservation area and important heritage asset. The development of a neighbourhood plan must align with the strategic aims of the Wiltshire Core Strategy. Throughout the development of the Hullavington neighbourhood plan the Councils and the landowner of the airfield will need to ensure that conflict does not arise.
- 5.9 It must be understood that designation of a Neighbourhood Area that includes the full area in the application does not mean that the community and the Council can stop the submission of planning applications and the likelihood is that plans for the airfield will overtake the neighbourhood plan process.
- 5.10 The application for designation as a Neighbourhood Area was publicised for a period of 6 weeks and 3 days from 26 July 2016 until 09 September 2016.
- 5.11 In total two responses were submitted within the consultation period. The representations received are set out in Appendix 1 and did not object to the application.
- 5.12 All representations received were taken into account, in the decision making process for the designation of this Neighbourhood Area. The proposed Hullavington Neighbourhood Area is coherent, consistent and appropriate in planning terms.

6. CONCLUSION

- 6.1 In the light of the reasoning above it is considered desirable to designate the whole parish of Hullavington as an 'appropriate area' to designate as a neighbourhood area.
- 6.2 The modification of the existing Hullavington neighbourhood area, as designated on 20 April 2016, is made in order to accommodate the new application and designation of the whole parish of Hullavington as a neighbourhood area.
- 6.3 This neighbourhood area will support the objectives of the Parish Council to represent the views of the local community, including those in more rural areas; to foster a better community spirit; promote better community facilities and promote the importance of retaining public transport, as well as including the additional residential area of Wellington Place.
- 6.4 The development of a neighbourhood plan must ensure that it aligns with the strategic aims of the Wiltshire Core Strategy, in particular the focus on economic-led development and holistic planning of Hullavington Airfield.
- 6.3 The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.
- 6.4 A copy of this report will be sent to the qualifying body, Hullavington Parish Council.

7. DECISION

- 7.1 **The Hullavington Neighbourhood Area is modified to accommodate the designation of the whole parish of Hullavington as a neighbourhood area.**
- 7.2 **The application for the Designation of Hullavington 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.



Alistair Cunningham
Associate Director,
Economic Development and Planning Services

Dated: 23.09.2016

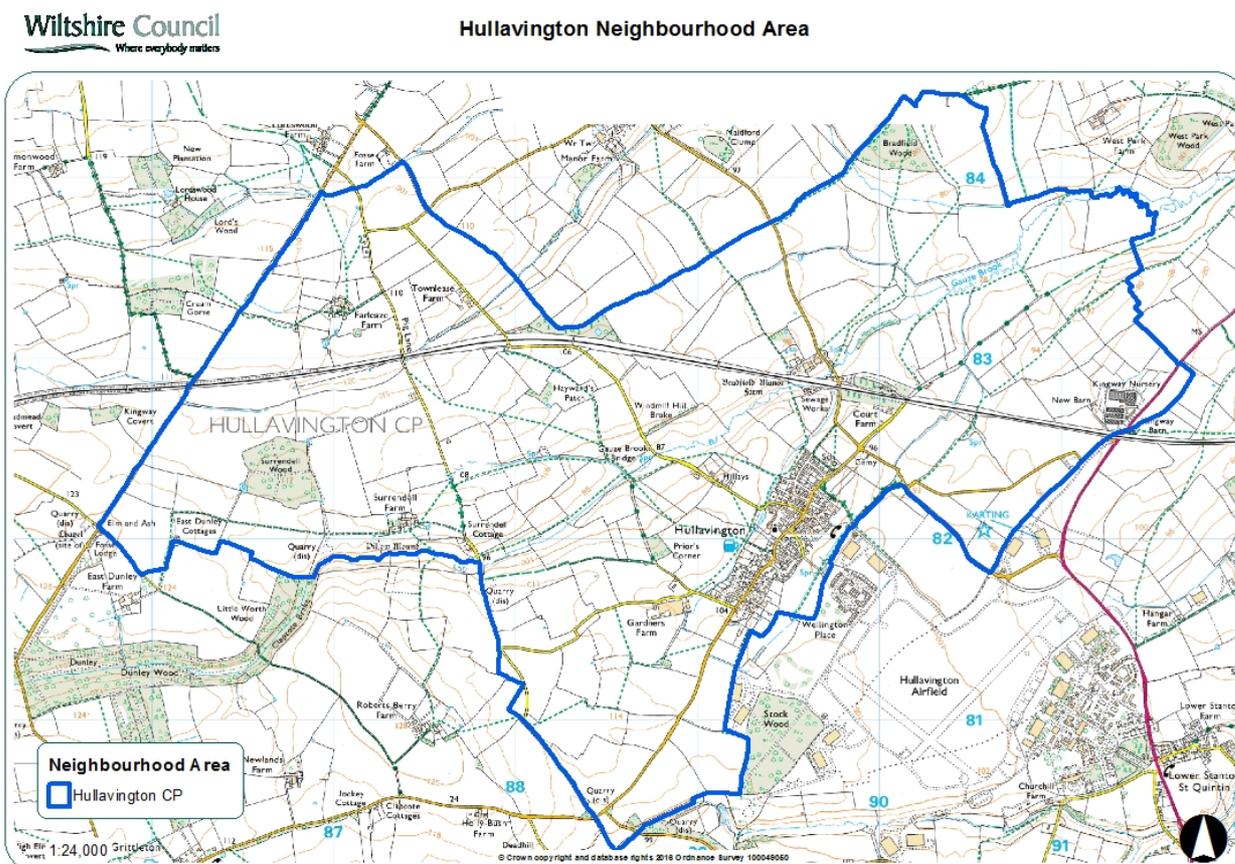
DECISION REGARDING THE APPLICATION FOR DESIGNATION OF HULLAVINGINGTON PARISH NEIGHBOURHOOD AREA UNDER SECTION 61(G) OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED)

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 modify the boundary of the Hullavington Neighbourhood Area, as shown on Plan A and on Plan B. The modified neighbourhood area will now be known as Hullavington Parish Neighbourhood Area. I am satisfied that the area is an appropriate area to be designated as a neighbourhood area.

a) Name of neighbourhood area: Hullavington Neighbourhood Area

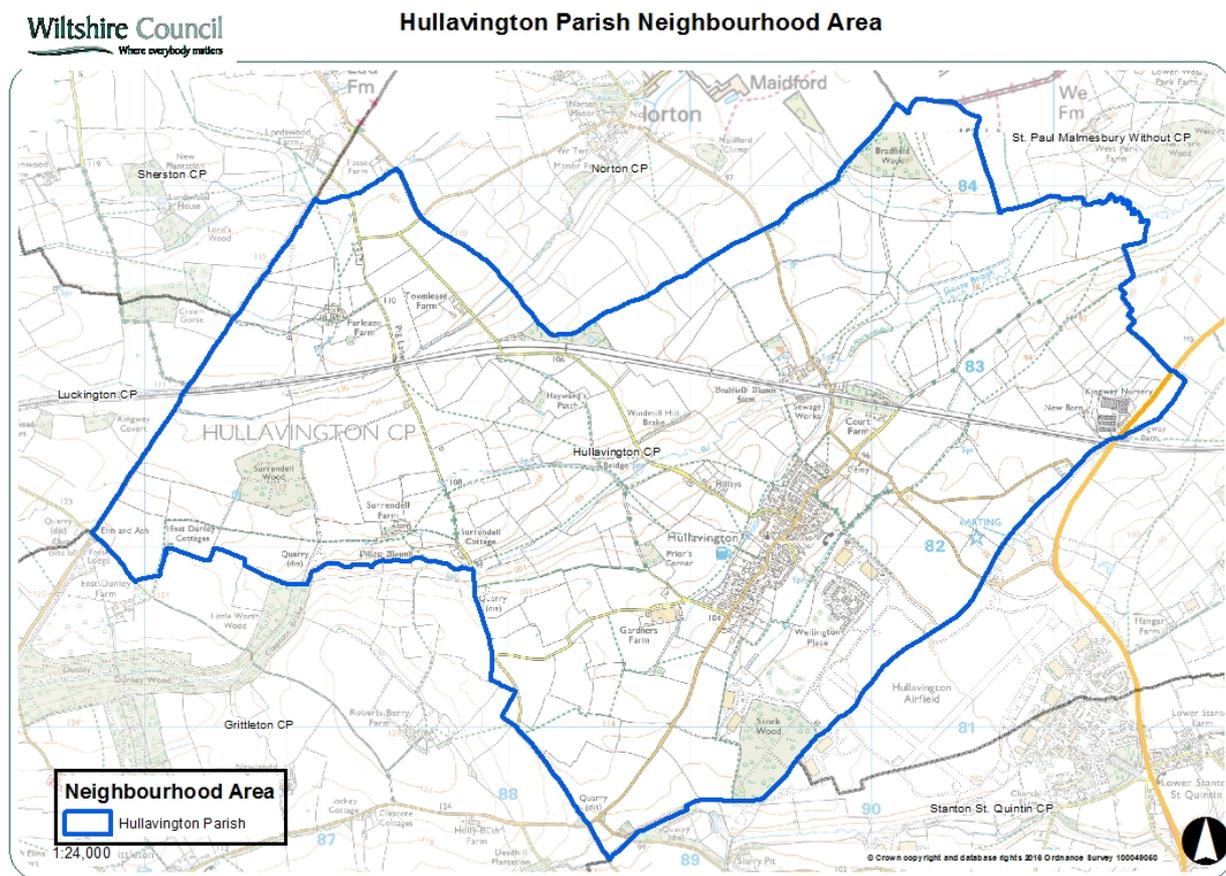
b) Plan A: Map of the Hullavington Neighbourhood Area, as designated on 20 April 2016.

Plan A: Hullavington Neighbourhood Area, as originally designated on 20.04.2016.



- c) Plan B: Map of the Hullavington Parish Neighbourhood Area as designated on 23 September 2016.

Plan B. Hullavington Parish Neighbourhood Area.



- d) Relevant bodies: Hullavington Parish Council form the 'relevant body' (for the purposes of 61G(2) of the Town and Country Planning Act 1990)

- e) 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 Hullavington 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: Hullavington Parish Neighbourhood Area

b) Map of neighbourhood area: See Plan B above.

- c) Relevant body: Hullavington 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: 23.09.2016