

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

APPLICANT:

Devizes Town Council and Roundway and Bishops Cannings Parish Councils.

APPLICATION:

Application for the Designation of Devizes Neighbourhood Area

Pursuant to the Wiltshire Council constitution and in particular Paragraph 4(a) of Part 3B the Service Director for Economy and Regeneration 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 Devizes 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:

A handwritten signature in black ink, appearing to read 'Alistair Cunningham', is written over a faint, light-colored map of a town or village. The signature is fluid and cursive.

Alistair Cunningham
Service Director
Economy and Regeneration

Dated: 27.09.13

WILTSHIRE COUNCIL

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

Date of application	16.04.2013
Date of decision	27.09.2013
Name of proposed designation	Devizes Neighbourhood Area
Community Area	Devizes Community Area

1. INTRODUCTION

1.1 Pursuant to the Wiltshire Council constitution and in particular Paragraph 4(a) of Part 3B the Service Director for Economy and Regeneration 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 Devizes Town Council, Bishops Cannings and Roundway Parish Councils together form 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 Devizes Neighbourhood Area. The application is for the whole area of Devizes Town, Bishops Cannings Parish and Roundway 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 Devizes Neighbourhood Plan Steering Group has been set up to prepare the plan and is overseen by Devizes Town Council and Roundway and Bishops Cannings Parish Councils. 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 Devizes 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 areas of Roundway, Bishops Cannings and Devizes and is considered appropriate. The recognised urban area of Devizes extends well beyond the town boundary into the parishes of Roundway and Bishops Cannings. Therefore, it is important that the proposed neighbourhood area designation allows for all potential development opportunities within and outside of the town to be adequately considered. The proposed designation of Devizes Neighbourhood Area will enable this to take place and will facilitate any subsequent plan to allocate housing sites to deliver the housing requirement set out in the draft Wiltshire Core Strategy. It will also enable locally distinctive issues to be addressed such as the protection of the AONB and the treatment of the transition area from the built area of Devizes into the AONB.

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 22nd July until 5pm Wednesday 4th September 2013.

5.4 In total 2 responses were made within the consultation period. The comments received relate to the proposed scope of the neighbourhood plan rather than the area designation itself. The Neighbourhood Plan Steering Group will be made aware of the comments as they may be relevant to the development of any subsequent plan. However, in the context of the Neighbourhood Area Designation the comments are not considered relevant. The comments received relate to the development of a Neighbourhood Plan for the Devizes Area which could be considered as support for the proposed area designation. The representations received are set out in Appendix 1.

5.5 The proposed Devizes Neighbourhood Areas is coherent, consistent and appropriate in planning terms.

6. CONCLUSION

6.1 The reasoning for the designation detailed above and the lack of any specific comments against the proposed area lend support to the Designation. It is therefore considered that the specified area is an appropriate area upon which to base a subsequent Neighbourhood Plan.

6.2 All representations received through the consultation have been taken into account.

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 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.

6.5 The specified area without modification should be designated as a Neighbourhood Area for the reasons set out in the application. The area includes the built area for which they are planning and will enable the Neighbourhood Plan to address a range of issues including identifying and allocating required levels of housing development.

6.6 A copy of this report will be sent to the constituent qualifying bodies and the Devizes Neighbourhood Plan Steering Group.

7. DECISION

7.1 **The Designation of the Devizes 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 map or planning document background. The signature is fluid and cursive.

Alistair Cunningham
Service Director
Economy & Regeneration

Dated: 23.09.13

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

Respondent	Comments
<i>Comments in support</i>	
<p>Mr Ken Chivers (ID: 378136) (Post Town: Devizes)</p>	<p>The Neighbourhood Plan submitted by the above, whilst admirable in its good intentions to recommend small scale limited development of housing to minimise the impact on existing infrastructure and services, and expressing its concerns in respect of traffic congestion and air quality does appear as wishing to maintain the 'status quo'.</p> <p>It is lacking in forward thinking and therefore does not address its areas of concern with suggestions or solutions for the future.</p> <p>Devizes, is an important growing Market Town and a location for strategic employment growth. It is however stifled by peak time traffic congestion causing poor air quality at known locations.</p> <p>Congestion is not a new phenomena. In the mid 1950's talk of a by-pass was first mooted. After nearly 30 years of divided debate it led to the building of the 'Link Road' linking New Park Street with Estcourt Street and was virtually out of date by the time it was eventually constructed!</p> <p>Whilst a by-pass would have significant benefits it has to be a long term objective on both cost and impact (AONB) grounds. Therefore urgent consideration needs to be given to finding meaningful solutions to traffic congestion both now and for the future if Devizes is to prosper and grow.</p> <p>There are many congestion areas, given the correct positive impetus to find a solution, where this should be possible. For example, the junction at Shane's Castle at the top of Dunkirk Hill where the A342 joins the A361 could be considerably improved utilizing some of the land Wiltshire Council has recently vacated. Another example is the Windsor Road Junction with London Road. Anzac House will in the near future be vacated as the home is relocated to its new combined site at Horton Road, Devizes. This is another golden opportunity to improve a congested junction as Wiltshire Council owns this site. The existing roundabout is poorly sited and needs redesigning to cater for the volume of traffic. Using part of the land at these two sites for road improvement should be viewed as a positive gain rather than a loss of developable land.</p> <p>There are many other areas where, given the will and proper thought, improvements to congested areas could take place.(For the sake of brevity I have not gone into detail with a number of locations I could suggest congestion improvement measures for.)</p> <p>If, as has been determined (by who) that the A361 is at its capacity, the Neighbourhood Plan should have this as a priority to resolve. To put it in perspective, it is at its capacity for less than 10% of the day - peak times. Where can you travel at peak times anywhere in the country and not experience some traffic congestion?</p> <p>The Neighbourhood Plan should also be recommending urgent emphasis on better provision for both pedestrians and cyclists. Such measures can have a significant impact on local traffic reduction leading to less congestion and pollution.</p> <p>An example of improved provision is the Kennet and Avon Canal towpath which runs virtually parallel with the A361 from Bath Road to London Road. If this was improved by widening, surfacing, lighting and having dedicated pedestrian and cycle lanes with links into important areas of Devizes it would be much more user friendly leading to higher usage. Other areas should also be given urgent consideration.</p> <p>Given current population growth and predicted trends together with the natural wish for people to live where they want Devizes needs to provide for this future growth by planning now. How many young families would like to live here but can't find family housing as people stay and grow older and do not vacate housing? The Neighbourhood Plan should be offering the opportunity for second and third generations to live close to their older relatives rather than forcing them to move elsewhere! It should be encouraging people with skills and positive attitudes towards the neighbourhood to come and join and contribute to the community rather than to force them to contribute elsewhere.</p> <p>Whilst housing (and population) growth place a burden on schools, health provisions and the like these should also figure in our current planning.</p> <p>Nursted School has been built, achieved its 10 year anniversary and is a 'good' rated school by Ofsted with a thriving community - its also where Roundway Parish Council hold their meetings! The new Trinity School (also in Roundway Parish) has been formed from the old out of date St Peters School and has capacity to take many more children than it currently serves and does not involve crossing the town from proposed developments (only using part of the A361 and both school are within easy walking distance of the Coate Road development especially).</p> <p>Devizes School (whilst a large school) has had falling numbers in the last 3 years....which doesn't fit in with the statement in the Neighbourhood Plan!</p> <p>Doctors Surgeries may be under pressure, however, we would have been more likely to have kept our hospital if we had had a larger population like Chippenham or Trowbridge. So we should be pushing for more facilities in the future to compliment the excellent new Devizes NHS Treatment</p>

	<p>Centre.</p> <p>Which green spaces are under burden? Hillworth Park has never been more vibrant and thriving since its makeover....the recent festival on the Green demonstrates how well these spaces are used ... the canal towpath is a wonderfully used community space... what is under burden?</p> <p>What is the evidence of the sewerage network being overloaded?</p> <p>Let's look at Bishops Cannings....whilst an attractive village with limited facilities? Many modern families choose to live in towns to enable them to be close to services, walk to school, pop to the shop, visit the park with friends etc...It's the villagers who create the 'burdens' if you like by clogging up the road entering the town! Yet these are the people who often are criticising!</p> <p>Yes Bishops Cannings is in the area of outstanding natural beauty but neither of the proposed development sites are and neither are the parishes of Roundway or Devizes. http://www.northwessexdowns.org.uk/Explore/walking.html</p> <p>Finally how does the Neighbourhood Plan expect to "manage transitions from the built environment to the area of outstanding natural beauty"....and what facilities do we expect visitors to this area of natural beauty to use...we need to continue to develop the opportunities for our current and proposed community not stifle it with a constant resistance to any form of change.</p> <p>INTERESTING FACTS</p> <p>Which date are we using to consider the parish boundary of Roundway? Quote from Wiltshire Council website history of Roundway ..."It is difficult to know how to write about the parish of Roundway, which was only created in 1894. There is a small Roundway village that was once in Bishops Cannings' parish and a very strangely shaped area of land that surrounds the town of Devizes to the north, east and south of it. Only a narrow isthmus of land connects the northern and southern parts of the parish and both these areas contain domestic and commercial buildings that really belong to the town of Devizes. It is likely that most people living in the parish, other than those actually in Roundway village consider that they live in the town of Devizes. The parish looks as though it was created by a bureaucrat who was having a very bad day." find this quote here... http://history.wiltshire.gov.uk/community/getcome.php?id=190</p> <p>Wiltshire council census information cites the Roundway parish numbers as 2384 in 1911 and 2267 in 2001 see at this link http://history.wiltshire.gov.uk/community/getcensus.php?id=209 whilst the Wiltshire population has grown from 286,822 in 1911 to 613,024 in 2001 so Roundway isn't exactly doing bad is it?</p>
<p>Ms Andi Witcombe (ID: 780726) , National Farmers Union (Post Town: Salisbury)</p>	<p>The South West NFU welcomes the opportunity to comment on the Devizes Neighbourhood Area Application which raises, in the main, topics relating to increased housing provision and impacts on the local infrastructure. The NFU represents approximately 50,000 Farmers and Growers nationally, 10,000 of these farm in the South West. In Wiltshire we represent 800 farmers and growers, including landowners and tenants, from all sectors and commodities. The NFU, and its members, recognise the importance of the neighbourhood and overall are supportive by the approach given. Our response is given below along with some key priorities.</p> <p>As you will be aware the farming community continues to face formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. In response to these challenges farmers have had to consider the resources available to them and look at new ways of developing their businesses so that they can grow and remain competitive. This might include the need for modern agricultural buildings either to meet regulations or to change the use of existing buildings in order to respond to changing market demand.</p> <p>Our members in the Devizes Parishes are no exception and given that the area is largely farmed it is clear that any form of Neighbourhood Plan must adequately address the issues and opportunities of farming. Our vision for the area is:</p> <p><i>The Parishes contained within the proposed Devizes Neighbourhood Area form a sustainable rural community that is underpinned by an innovative rural economy and thriving farming and food industry, which is profitable and supports viable livelihoods, underpins sustainable and healthier communities and enhances the environmental assets that are vital to the counties prosperity.</i></p> <p>For the farming community this vision is to be achieved by the following themes</p> <ol style="list-style-type: none"> 1. Strengthening our farming businesses to help them build profitability and respond to new opportunities 2. To create thriving localities that meets the needs of their communities, businesses and their environment. 3. Realising the value of the region's environmental assets <p>In addition we would see some of the key priorities for farms to include (not in order of priority):</p>

1. The ability for the next generation to take on management of farms and to support this through the provision of affordable housing to allow succession
2. Develop farming enterprises that can meet the challenges of food security through modernising and becoming more efficient
3. Diversifying farming enterprises to meet new opportunities such as, *inter alia*, business units or tourism
4. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available
5. Access to high-speed broadband.

Food production is a key priority for economic growth both nationally but also importantly in a rural area such as Devizes and its Parishes. In the Government white paper *'Local Growth: realising every place's potential'* the Coalition Government makes clear that the first priority "is to return the nation's economy to health". This includes creating, "the conditions that will help business and gets the economy growing" and this includes the support for farming enterprises so vital to the rural economy and enabling them to remain viable through diversified enterprises. We would expect that any proposals for developing farms will take this into account.

Diversification is in line with National Planning Policy Framework (NPPF) that provides that local authorities should support development that enables farmers to become more competitive and sustainable and diversify into new opportunities. A key message within the NPPF is the need for economic growth. "A positive planning system is essential, because without growth, a sustainable future cannot be achieved. Therefore, significant weight should be placed on the need to support economic growth through the planning system...the default answer to development proposals is yes."

In the NPPF the government makes a number of very important statements related to this the development of renewable energy. Paragraphs 95 to 98 make a number key points including: *'local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'* (para 97); *'have a positive strategy to promote energy from renewable and low carbon sources'* which *'maximise renewable and low carbon energy sources'*. Renewable energy represents an important opportunity for farms to reduce their energy bills and also to create revenue that can help support farming activity. We understand that this can be a contentious issue within communities and are aware that early consultation with those that are either impacted or likely to gain is crucial.

To help guide any work we have developed some principles which we believe will help the Devizes Area to shape any activity in the area. These are:

Food security is a crucial issue for now and the future and any actions must ensure that we do not compromise our ability to feed ourselves

- We should look to increase farm productivity and decrease impact on the environment
- The achievement of sustainable development in rural areas through the integration of environmental, social and economic objectives
- Meet the needs of a diverse rural population and ensure equality of opportunity.
- Maintain and enhance the area's natural asset base
- Farmers and landowners should always be consulted and listened to with regard to developing the area
- Support sustainable growth in the rural economy
- Sustainable farming will support the wider community
- Not one system of farming is the answer and all should be supported for maximum benefit to society and the environment
- Encourage links between rural areas and urban centres.

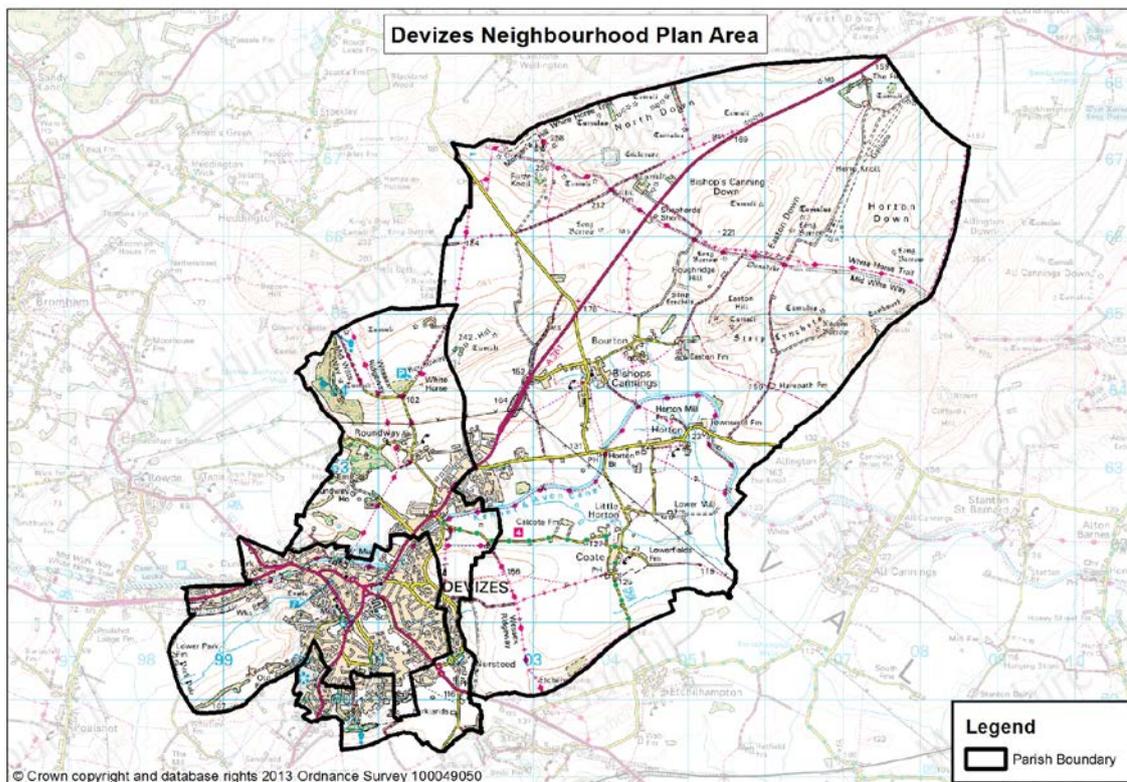
Many thanks for the opportunity to respond to this consultation - we hope that these comments are helpful and will be taken into account.

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF DEVIZES 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 Devizes 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: Devizes

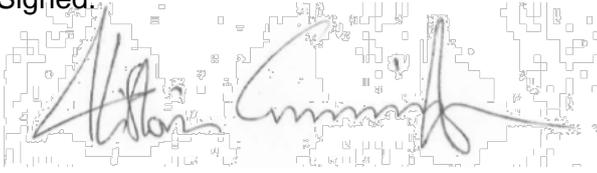
b) Map of neighbourhood area:



c) Relevant body: Devizes Town Council, Roundway and Bishops Cannings Parish Councils form the 'relevant body' (for the purposes of 61G(2) of the Town and Country Planning Act 1990)

3. 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', is written over a faint, light-colored map of a city or town. The signature is fluid and cursive, with a long horizontal stroke at the end.

Alistair Cunningham
Service Director
Economy and Regeneration

Decision published: 27.09.13