

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

### **APPLICANT:**

Warminster Town Council.

### **APPLICATION:**

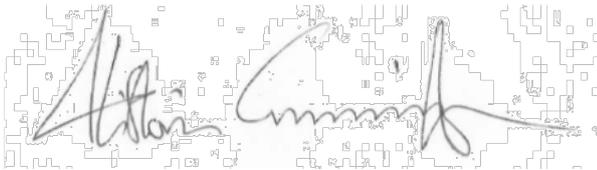
Application for the Designation of Warminster Neighbourhood Area

**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 Warminster Neighbourhood Area is granted** 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 background that looks like a technical drawing or a map with various lines and shapes.

Alistair Cunningham  
Service Director  
Economy and Regeneration

Dated: 05.03.13

## WILTSHIRE COUNCIL

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

|                              |                               |
|------------------------------|-------------------------------|
| Date of application          | 27.11.12                      |
| Date of decision             | 5.03.13                       |
| Name of proposed designation | Warminster Neighbourhood Area |
| Community Area               | Warminster 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 Warminster Town 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 Warminster Neighbourhood Area. The application is for the whole parish area of Warminster 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 Warminster 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. CONSIDERATION AS TO WHETHER OR NOT TO DESIGNATE

3.1 In determining the application for the designation as a Neighbourhood Area regard must be had to the desirability of designating the whole area.

3.2 The issue is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.

3.3 The fact that the designation of the Warminster Neighbourhood Area would allow a Neighbourhood Plan to be prepared does not form part of the determination of this application.

#### **4. REASONING FOR DESIGNATION**

- 4.1 The proposed area for designation which covers the parish of Warminster is considered to be the appropriate area, as the Neighbourhood Plan will not only address issues that are specific to the Warminster itself but also relate to the wider parish area. The emerging Neighbourhood Plan will focus on identifying and allocating non strategic development sites across the plan area and provide a locally distinctive policy framework to complement that provided by the emerging Wiltshire Core Strategy.
- 4.2 The specified area falls completely within Wiltshire Council's area.
- 4.3 The application for designation as a Neighbourhood Area was publicised for a period of 8 weeks and 2 days from 9am Monday 17th December 2012 until 5pm Wednesday 20<sup>th</sup> February 2013. The proposed Neighbourhood Area was publicised by the Town Council.
- 4.4 No responses were submitted in support of or against the area designation during the consultation period.
- 4.5 The proposed Warminster Neighbourhood Area is coherent, consistent and appropriate in planning terms.

#### **5. PROCEDURE**

- 5.1 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)].
- 5.2 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.

#### **6. RECOMMENDATION**

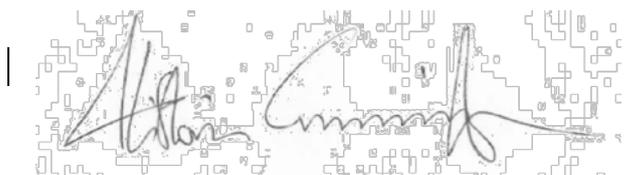
- 6.1 It is considered that the specified area is an 'appropriate area to be designated as a neighbourhood area'.
- 6.2 The lack of response to the consultation has been considered. However, as the area application has been put forward by the locally elected Parish Council and retains the existing parish area, it is deemed an appropriate area for designation.
- 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 a parish area 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 represents the built area for which they are planning with the objective of identifying and allocating development sites within the identified neighbourhood area and is appropriate in planning terms.

6.6 A copy of this report will be sent to the qualifying body, Warminster Town Council.

## 7. CONCLUSION

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

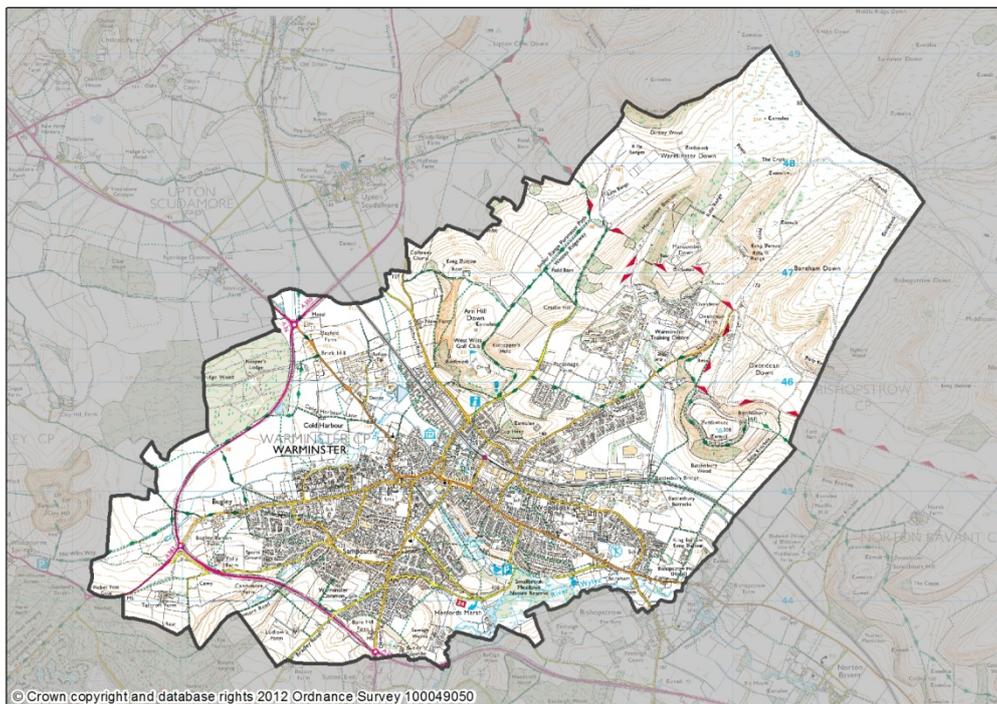
A handwritten signature in black ink, reading 'Alistair Cunningham', is written over a faint, light-colored map of a town or area. The signature is fluid and cursive. The map background shows various streets and building footprints.

Alistair Cunningham  
Service Director  
Economy & Regeneration

Dated:05/03/13

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

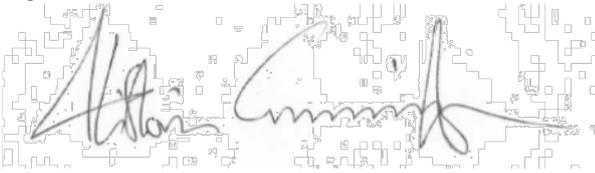
1. I have no private interests to declare in respect of this matter which would prevent me from determining this application.
2. I hereby exercise power under section 61G of the Town and Country Planning Act 1990 (as amended) ("the Act") and all other powers delegated to me to designate the area identified on the map below as the Warminster 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: Warminster
  - b) Map of neighbourhood area:



c) Relevant body: Warminster Town Council 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 grid pattern.

Alistair Cunningham  
Service Director  
Economy and Regeneration

Decision published: 05.03.13