

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

APPLICANT:

Potterne Parish Council

APPLICATION:

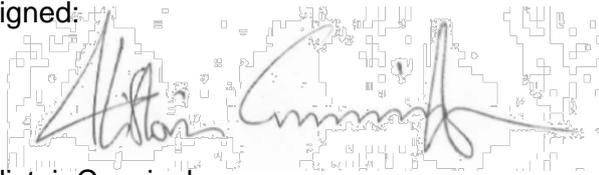
Application for the Designation of Potterne Neighbourhood Area

Pursuant to the Wiltshire Council constitution and in particular Paragraph 4(a) of 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 Potterne 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: 15.04.14

WILTSHIRE COUNCIL

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

Date of application	23.07.2013
Date of decision	15.04.2014
Name of proposed designation	Potterne 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 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 Potterne 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 Potterne Neighbourhood Area. The application is for the whole area of Potterne 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 Potterne 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 Potterne Neighbourhood Area would allow a Neighbourhood Plan to be prepared does not form part of the determination of this application.

5. REASONING FOR DESIGNATION

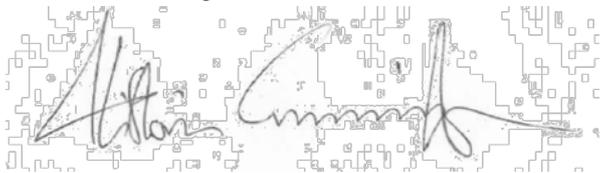
- 5.1 The proposed area for designation is the parish of Potterne and is considered appropriate. The parish council are seeking to enhance their local amenities and community facilities whilst ensuring development has regard to the unique character and heritage of Potterne. The plan will ensure that future developments in the Parish are appropriate and do not have an adverse effect on the village or surrounding agricultural land, therefore the whole parish area is considered an appropriate area to plan for.
- 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 9th December until 5pm Tuesday 4th February 2014.
- 5.4 One response was submitted in support of the area designation during the consultation period. The representation received is set out in Appendix 1.
- 5.5 The proposed Potterne Neighbourhood Areas is coherent, consistent and appropriate in planning terms.

6. CONCLUSION

- 6.1 The reasoning above and the results of the consultation lend support to the designation. It is 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.
- 6.6 A copy of this report will be sent to the constituent qualifying body, Potterne Parish Council.

7. DECISION

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

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Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 15.04.14

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

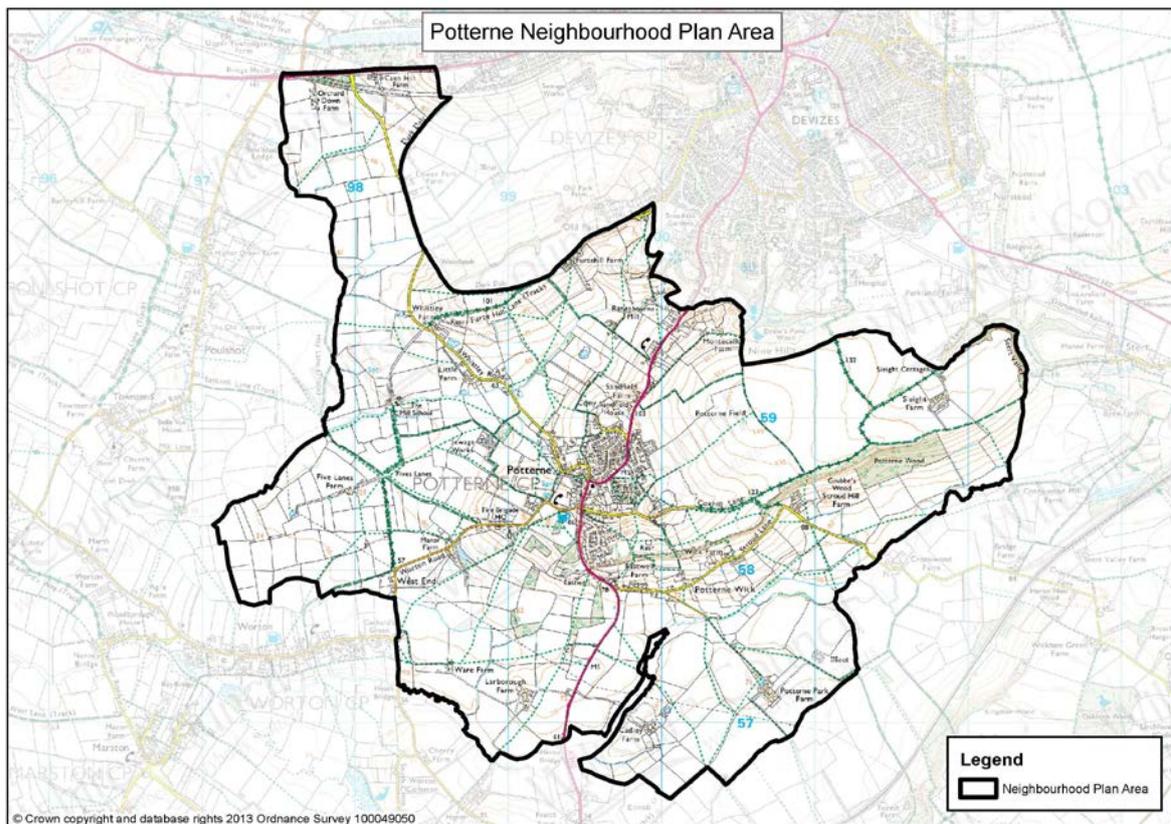
Respondent	Comments
<i>Comments in support</i>	
Mr Peter Baxter Worton Parish Council	<i>Further to your consultation dated 2 December, this Council has considered the proposed boundary designation for Potterne Neighbourhood Area and has no objection to the proposal.</i>

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF POTTERNE 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 Potterne 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: Potterne

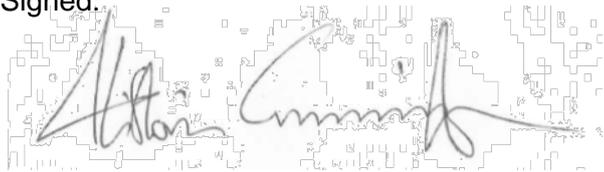
b) Map of neighbourhood area:



c) Relevant body: Potterne Parish 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 background of a faint, light grey grid pattern.

Alistair Cunningham
Associate Director
Economic Development and Planning

Decision published: 15.04.14