

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

APPLICANT:

Wilton Town Council

APPLICATION:

Application for the Designation of Wilton Neighbourhood Area

Pursuant to the Wiltshire Council constitution and in particular Part 3B the Service 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 Wilton Neighbourhood Area is refused in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning.

However, in accordance with section 61G(5) of the Town and Country Planning Act 1990, the area outlined in black on the attached plan is hereby designated as the Wilton Neighbourhood Area

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: 31.03.2016

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

Date of application	10.03.2015
Date of decision	31.03.2016
Name of proposed designation	Wilton Neighbourhood Area
Community Area	Wilton 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 Wilton 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 Wilton Neighbourhood Area. 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 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.
- 3.3 Under section 61G(5) of the 1990 Act, an application may be refused if the Council considers that the specified area is not an appropriate area to be designated as a neighbourhood area. In such circumstances, the Council must exercise its power of

designation so to designate some or all of the specified area as one or more neighbourhood areas. 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.

- 3.4 The application for designation as a Neighbourhood Area was publicised for a period of 6 weeks and 2 days from 9am Monday 15th February until 5pm Wednesday 30th March 2016.
- 3.5 One response was received within the consultation period, which raises no objection to the designation. This is set out at Appendix 1.

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 National Planning Policy Guidance (NPPG) provides advice on matters that could be considered when deciding the boundaries of a neighbourhood area. It also states that "*the local planning authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas*".

5. REASONING FOR DESIGNATION

- 5.1 The area is located within the Wilton Community Area and lies about three miles west of Salisbury. It is an ancient market town, claims to be 'The Ancient Capital of Wessex', and is much older than its larger neighbour Salisbury. The settlement was established between two rivers; the Nadder and the Wylye and today it is divided by two major roads running through the town. The A36, main trunk road from Southampton to Bristol runs through the north side and the busy A30 Salisbury to Yeovil and the West Country runs through the centre of the town.
- 5.2 As a result of the re-location of United Kingdom Land Forces (UKLF), the town is mindful of the need to create employment opportunities and maintain the light industrial trading estate and proposed Enterprise Hub that will be located within the Redrow Development on the former UKLF site. Free parking within the town continues to ensure that Wilton is economically vibrant and there are currently no empty retail shops. The seat of the Earl of Pembroke, Wilton House attracts increasing visitor numbers, particularly by special spectator events and adds greatly to the vibrancy of the town.

- 5.3 The application specifies that that the proposed area covers the whole of a single parish boundary area, however the Town Council has subsequently confirmed that it wished to request the designation of the parish area excluding the land at the former Erskine Barracks, and land to the west of the Imerys Quarry as set out in the plan submitted with the application form. The exclusion of the Barracks and land to the west of Imerys Quarry would mean that the Neighbourhood Area could focus on Wilton, which is a historic market town and identified in the Wiltshire Core Strategy as a Local Service Centre; and includes its rural hinterland. The exclusion of the barracks and land to the west of the quarry is acceptable, as the former barracks is now under construction and is a strategic site that fulfils part of the housing requirement for Salisbury. Designation of the Neighbourhood Area (excluding the Barracks and land to the west of the Quarry) would allow for a neighbourhood plan to consider: the preservation of Wilton's historic character and need for sympathetic development; creation of employment opportunities; vitality of the town; and environmental constraints in planning for the future of the town. It is therefore considered appropriate to designate the parish area excluding the land at the former Erskine Barracks and land to the west of the Imerys Quarry.

If the Council considers it appropriate to designate a different area than was specified in the application, the Regulations require it firstly, to refuse the application and then secondly, to designate an alternative area.

6. CONCLUSION

- 6.1 In the light of the reasoning above it is considered desirable to designate the area as set out on attached plan. This area has been agreed by Wilton Town Council as being the appropriate area for designation.
- 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, Wilton Town Council.

7. DECISION

- 7.1 **The application for the Designation of Wilton Neighbourhood Area is refused in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. However, in accordance with section 61G(5) of the Town and Country Planning Act 1990, the area outlined in black on the attached plan is hereby designated as the Wilton Neighbourhood Area**



Alistair Cunningham
Associate Director,
Economic Development and Planning Services

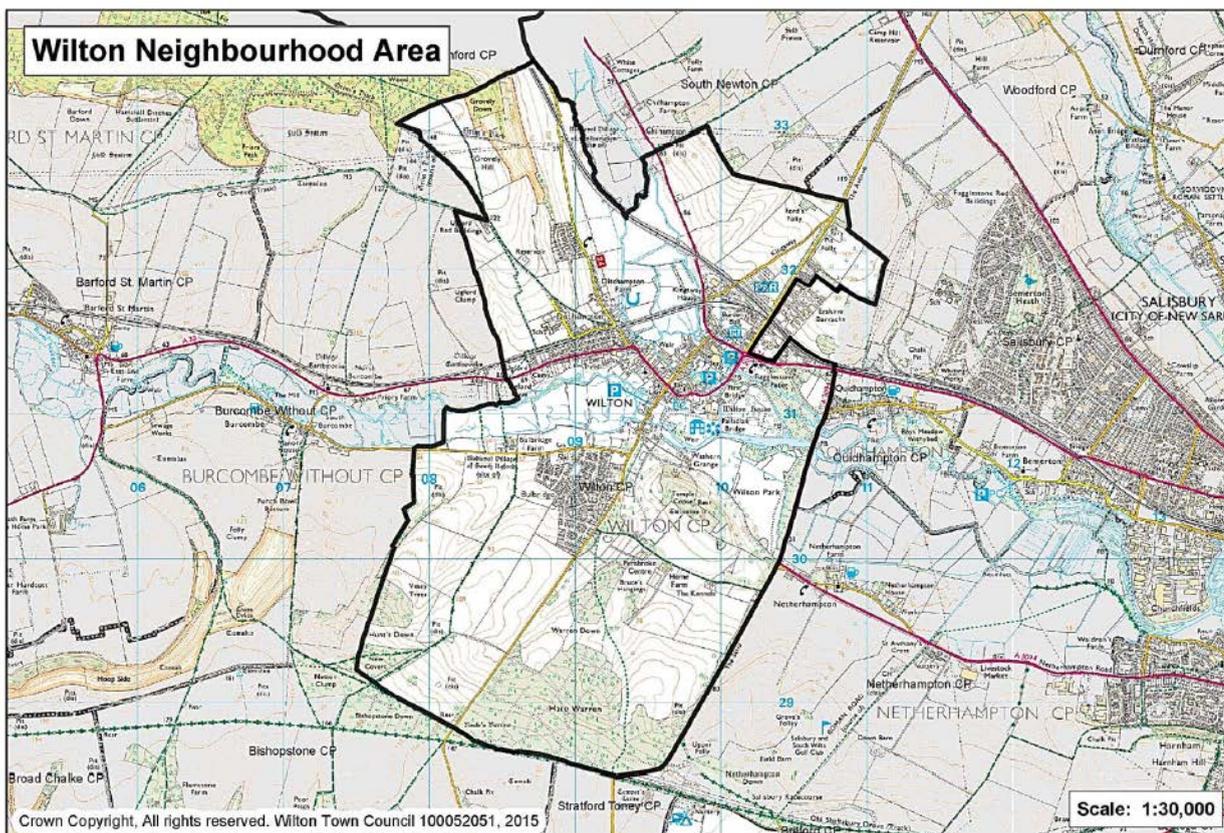
Dated: 31.03.2016

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF WILTON 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 Wilton 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: Wilton

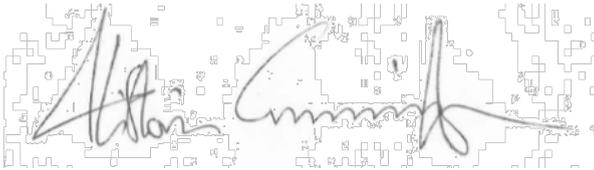
b) Map of neighbourhood area:



c) Relevant body: Wilton Town 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', is written over a faint, light-colored grid pattern.

Alistair Cunningham
Associate Director
Economic Development and Planning

Decision published: 31.03.2016

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

Respondent	Comments
Gladman Developments Ltd	<p style="text-align: center;">Comments</p> <p>Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladmans ' representations on the application made by Wilton Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.</p> <p>At this stage Gladman have no specific comments to make on the application for the Neighbourhood Area designation. However, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to comment on the Wilton Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. Gladman wish to participate in the Neighbourhood Plan's preparation and to be notified of further developments and consultations in this regard.</p> <p>Neighbourhood Plans - Guidance and Legislation</p> <p>The National Planning Policy Framework (The Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out requirements for the preparation of neighbourhood plans and the role these should take in setting out policies for the local area. The requirements set out in the Framework have now been supplemented by the guidance contained in the Neighbourhood Planning chapter of the PPG.</p> <p>Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. Its states that:</p> <p>"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:</p> <ul style="list-style-type: none"> • Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; • Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan " <p>Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:</p> <p>"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them.</p>

Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies" .

Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and further detailed in paragraph 065 of the Neighbourhood Plan PPG. These Basic Conditions are:

- a) Having regard to national policies and advice contained in guidance issues by the Secretary of State it is appropriate to make the neighbourhood plan
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
- c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations
- g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan

If a Neighbourhood Plan is not developed in accordance with the Neighbourhood Plan Basic Conditions there is a real risk that it will fail when it reaches Independent Examination.

Relationship with Local Plans

To meet the legal requirements established under Schedule 4b (as amended) the neighbourhood plan will need to ensure that it supports the strategic priorities for the wider area established in the adopted Core Strategy.

It is important to note that the Council are required to prepare a new Strategic Housing Market Assessment by early 2016, which could alter the full Objectively Assessed Needs for housing for the Housing Market Area. Therefore, the Plan will need to ensure that it allows for a significant degree of flexibility in order to react to any subsequent changes to the future housing requirement.

Further, it is important to note that the adopted Core Strategy housing target is considered to be a minimum. Therefore, any housing policies contained in the neighbourhood plan should be seen as a minimum and not a cap on development.

Woodcock judgment

The recent Woodcock High Court judgment demonstrates the implications for progressing a neighbourhood plan where there is no local plan in place nor a five year housing land supply. In summary, this High Court judgment demonstrates the following key points:

- That §14 and §49 of the Framework in regard to five year housing land supply and the weight to be given to extant housing land supply policies applies equally to both emerging and 'made' neighbourhood plans as other development plan documents otherwise adopted and/or emerging by the local planning authority.
- There is nothing in policy or statute that elevates neighbourhood planning to a level above the wider development plan that enables special consideration.
- Neighbourhood plans must respect national policy and the core planning principles outlined within the Framework.
- Prematurity must be assessed against the whole of the requirements of the PPG. In neighbourhood planning, there is no requirement for planning bodies to produce an objective assessment of housing needs, as there is no requirement to consider the effectiveness or justification of a plan.

Given the recent Woodcock Judgment, in the event the Council are unable to identify a 5 year housing land supply, the housing policies contained in the Neighbourhood Plan will, together with the policies contained in the adopted Core Strategy, be found out of date. Therefore, the Wilton Neighbourhood Plan will need to ensure that it allows for sufficient flexibility so that it is able to respond positively to future sustainable growth opportunities.

Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies

and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements.

The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives.

Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions. Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

I hope you have found this letter to be constructive. Should you have any queries in relation to our response please do not hesitate to contact us.