

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

### **APPLICANT:**

Chippenham Without Parish Council

### **APPLICATION:**

Application for the Designation of Allington & Sheldon 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 Designation of Allington & Sheldon 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: 30.03.2015

## WILTSHIRE COUNCIL

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

<b>Date of application</b>	<b>26.11.2014</b>
<b>Date of decision</b>	<b>30.03.2015</b>
<b>Name of proposed designation</b>	<b>Allington &amp; Sheldon Neighbourhood Area</b>
<b>Community Area</b>	<b>Chippenham Community Area</b>

#### 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 Chippenham Without 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 Allington & Sheldon Neighbourhood Area, which relates to Chippenham Without Parish. The application is for the whole area of Chippenham Without 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 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 Allington & Sheldon 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 Chippenham Without, which is considered to be the appropriate area. Within the application, reference is made to the distinctive rural identity of the parish, although recognition is given to its situation immediately adjacent to the expanding Town of Chippenham. Designation of the parish will enable impacts and pressures from the growth of the Town to be considered, particularly on the area's rural identity.
- 5.2 The application also refers to the parish being split in two by the A420, with the Allington Conservation Area to the north and the remainder of the parish being generally of open character worthy of protection and improvement. While the parish does not relate to any settlements specifically identified within the Wiltshire Core Strategy (other than Chippenham), it contains a number of small settlements as well as agricultural and business activities and rural services. A plan would enable local issues to be addressed and sympathetic development policy proposals to be created.
- 5.3 The east of the parish directly adjoins the Principal Settlement of Chippenham, as defined in the Wiltshire Core Strategy and some of the Town's sport facilities are located in the parish adjacent to the A350. Although the parish does not form part of the 'Strategic Areas' being considered to provide for the planned growth of Chippenham, as identified in the Core Strategy (Core Policy 10) and emerging Chippenham Site Allocations Plan, some other development may be appropriate where it is in accordance with the policies in the Wiltshire Core Strategy. The Allington & Sheldon Neighbourhood Plan should therefore be taken forward with the requirement to be in general conformity with the strategic plan in mind.
- 5.4 In the light of the requirement for the Neighbourhood Plan to be in general conformity with the Wiltshire Core Strategy, as the Neighbourhood Plan progresses, the Councils (Wiltshire Council and Chippenham Without Parish Council) will need to ensure that conflict does not arise.
- 5.5 Designation of the area shown on the Map below is therefore considered to be appropriate.
- 5.6 The specified area falls completely within the Council's area.
- 5.7 The application for designation as a Neighbourhood Area was publicised for a period of 6 weeks and 2 days from 9am Monday 19<sup>th</sup> January 2015 until 5pm Wednesday 4<sup>th</sup> March 2015.
- 5.7 No responses were made within the consultation period.
- 5.8 The proposed Allington and Sheldon Neighbourhood Area is coherent, consistent and appropriate in planning terms.

## 6. CONCLUSION

- 6.1 The reasoning as discussed above lends support to the designation. It is considered that the specified area of Allington & Sheldon Parish is an 'appropriate area' upon which to base a subsequent Neighbourhood Plan.
- 6.2 A 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 the parish area be designated as this could lead to fragmented approach and there are no logical boundaries to identify a smaller area.
- 6.5 A copy of this report will be sent to the constituent qualifying body, Chippenham Without Parish Council.

## 7. DECISION

- 7.1 **The Designation of the Allington & Sheldon 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.



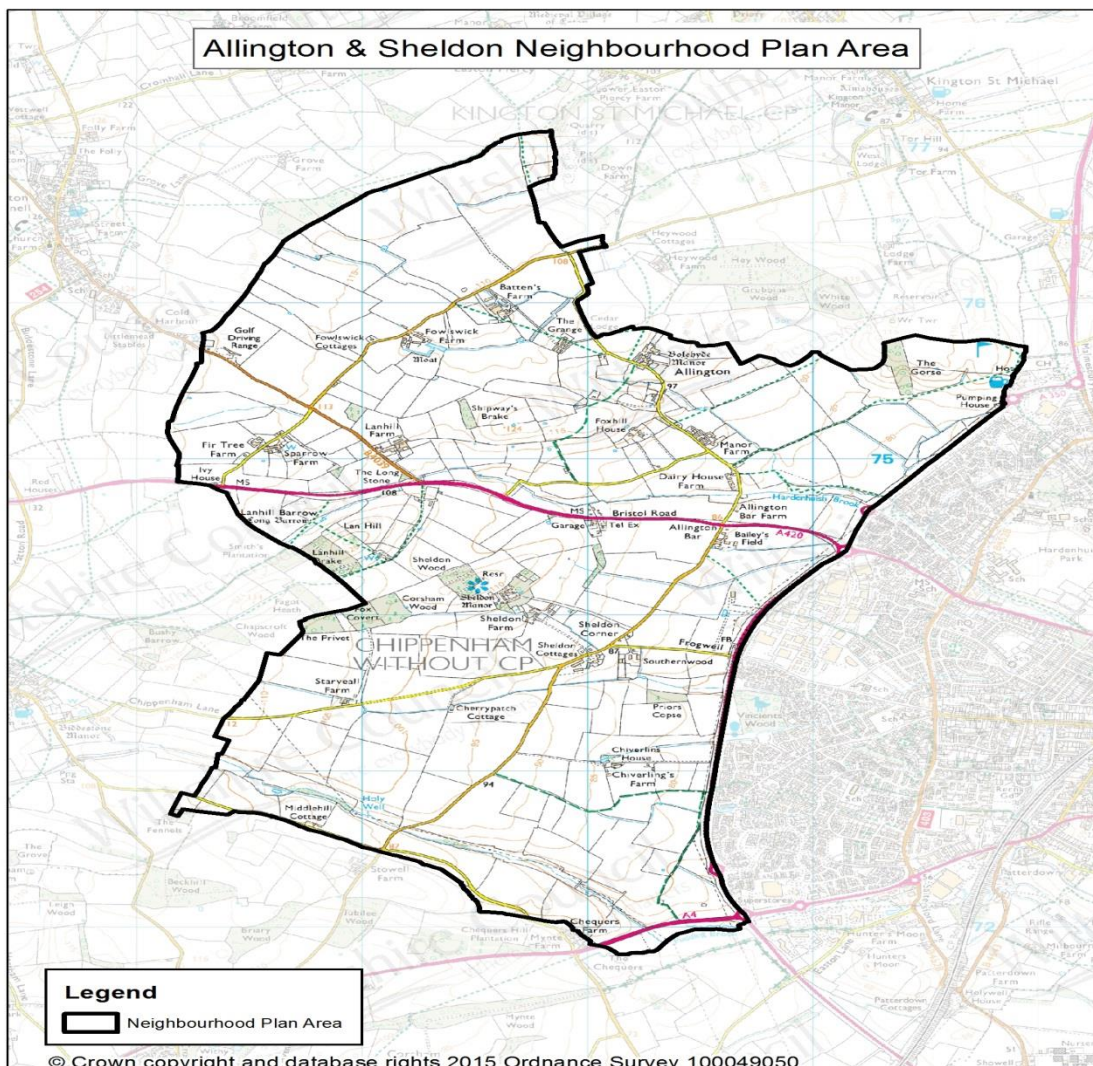
Alistair Cunningham  
Associate Director  
Economic Development and Planning  
Dated: 30.03.2015

## DECISION REGARDING THE APPLICATION FOR DESIGNATION OF ALLINGTON & SHELDON 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 Allington & Sheldon 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: Allington & Sheldon Neighbourhood Area

a) Map of neighbourhood area:



- a) Relevant body: Chippenham Without Parish Council forms the 'relevant body' (for the purposes of 61G (2) of the Town and Country Planning Act 1990).
- b) 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 over a light grey rectangular background.

Alistair Cunningham  
Associate Director  
Economic Development and Planning

Decision published: 30.03.2015