

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

### **APPLICANT:**

West Lavington Parish Council

### **APPLICATION:**

Application for the Designation of West Lavington Parish 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 West Lavington Parish 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  
Service Director  
Economy and Regeneration

Dated: 17.07.13

## WILTSHIRE COUNCIL

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

<b>Date of application</b>	<b>08.04.13</b>
<b>Date of decision</b>	<b>17.07.13</b>
<b>Name of proposed designation</b>	<b>West Lavington Parish Neighbourhood Area</b>
<b>Community Area</b>	<b>Devizes Community Area</b>

#### 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 West Lavington 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 West Lavington Parish Neighbourhood Area. The application is for the whole area of West Lavington 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 It is understood that a West Lavington Neighbourhood Plan Steering Group has been set up to prepare the plan and is led by the Parish Council, which 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 West Lavington Parish 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 two villages of West Lavington and Littleton Panell are located within the Parish of West Lavington. They are identified together as a Large Village within the emerging Wiltshire Core Strategy. The proposed plan seeks to identify some non-strategic development within and outside of the settlement boundary and the designation of the whole Parish area will allow this to be achieved.. West Lavington Parish Council also has the aspiration to consider wherever green space within the parish should be protected. In recognition of the character of the adjoining parishes, in particular the adjacent Market Lavington Local Service Centre, there is a commitment to undertake constructive liaison with neighbouring parishes to ensure the development plans of any communities are consistent.
- 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 8<sup>th</sup> April until 5pm Wednesday 22<sup>nd</sup> May 2013. This included West Lavington Parish Council publicising the proposed area designation within the Parish area.
- 5.4 No responses were submitted in support of or against the area designation during the consultation period.
- 5.5 The proposed West Lavington Parish Neighbourhood Areas is coherent, consistent and appropriate in planning terms.

#### **6. CONCLUSION**

- 6.1 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 to designate and upon which to base a subsequent Neighbourhood Plan.
- 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 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.
- 6.4 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

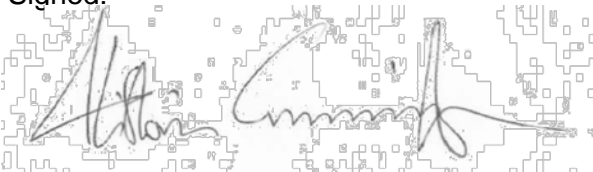
appropriate levels of non strategic development.

6.5 A copy of this report will be sent to the West Lavington Parish Council.

## 7. DECISION

7.1 **The Designation of the West Lavington Parish 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.

Signed:

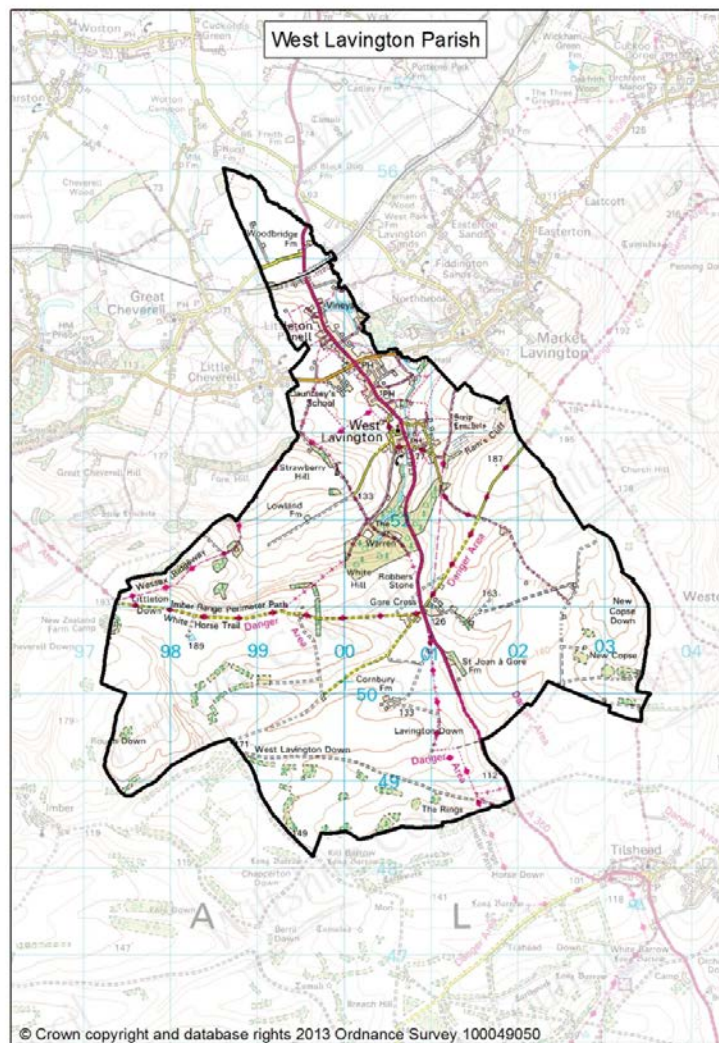
A handwritten signature in black ink, appearing to read 'Alistair Cunningham', is written over a faint, light-colored grid pattern.

Alistair Cunningham  
Service Director  
Economy & Regeneration

Dated: 17.07.13

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

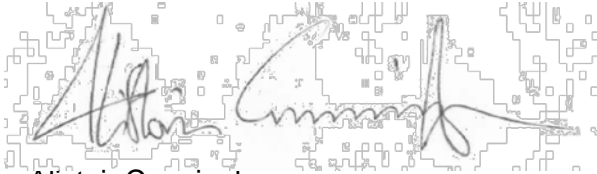
1. I have no private interests to declare in respect of this matter which would prevent me from determining this application.
2. I hereby exercise power under section 61G of the Town and Country Planning Act 1990 (as amended) (“the Act”) and all other powers delegated to me to designate the area identified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



c) Relevant body: West Lavington 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 faint, light-colored background that looks like a map or a technical drawing with various lines and shapes.

Alistair Cunningham  
Service Director  
Economy and Regeneration

Decision published: 17.07.13