

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

APPLICANT:

Purton Parish Council

APPLICATION:

Application for the Designation of Purton Neighbourhood Area

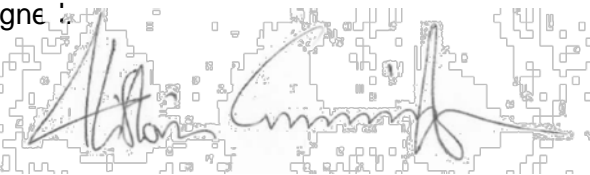
Pursuant to the Wiltshire Council constitution and in particular Part 3B, the Associate Director for Economic Development and Planning within whose remit Spatial Planning falls is authorised to consider the area designation applications for Neighbourhood Plans and if appropriate approve applications.

DECISION:

The Designation of Purton 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'.

In order to designate the Purton Neighbourhood Area **the existing boundary of the North East Wiltshire Villages (NEW-V) Neighbourhood Area, as designated on 14.05.2013, was modified** in accordance with section 61G(6) of the Town and Country Planning Act 1990.

Signe :



Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 05.12.2016

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

Date of application	02.06.2016
Date of decision	05.12.2016
Name of proposed designation	Purton Neighbourhood Area
Community Area	Royal Wootton Bassett and Cricklade 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 Purton 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 Purton Neighbourhood Area. The application is for the whole parish area of Purton 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 as a business 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 when the decision is publicised.
- 3.3 The proposed neighbourhood area is already part of a designated neighbourhood area and since neighbourhood areas must not overlap with each other (section 61G(7) Town and Country Planning Act 1990) a new neighbourhood area cannot be designated unless the existing neighbourhood area is modified. Under section 61G(6) Town and Country Planning Act 1990 the authority in determining any application, can modify designations already made, prior to a neighbourhood area being designated and if the modification

relates to any extent to the area of a parish council it can only be made with the parish council's consent. The existing neighbourhood area that must be modified is the North East Wiltshire Villages (NEW-V) neighbourhood area, which relates to the parish council areas of Broad Town, Clyffe Pypard, Lydiard Millicent, Lydiard Tregoz, Lyneham and Bradenstoke, Purton and Tockenham and these parishes must consent to the modification of the NEW-V neighbourhood area prior to the designation of Purton Parish as a neighbourhood area. By submitting their application to have the parish of Purton designated as an individual neighbourhood area it is deemed that Purton Parish Council have already consented to the necessary modification to exclude their parish area.

- 3.4 In determining the application the local planning authority would also need to consider the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas as per section 61G(4)(b) Town and Country Planning Act 1990.

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 Area¹ and whether or not it is appropriate to modify the existing neighbourhood area.
- 4.3 The fact that the designation of the Purton 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 Purton Parish as a single parish neighbourhood area as set out on the map included with the application. Purton parish adjoins the parish of Cricklade to the north and Lydiard Millicent to the south with the urban area of Swindon to the east. The main population centre of the Parish is Purton which is a Large Village as defined by the Wiltshire Core Strategy. Purton has a range of amenities including several shops, a library, public houses, doctor's surgery and schools to serve the parish and surrounding area. The parish also includes the small village of Purton Stoke and the hamlets of Bentham, Hayes Knoll, The Fox and Widham which are rural in nature and include several high quality heritage and landscape sites of interest. The parish is not wholly or predominantly business in nature.
- 5.2 The east of the parish directly adjoins the urban area of Swindon. However, the parish is still largely rural in character focused around the main settlement of Purton and its rural hinterland.
- 5.3 The application indicates that designation of Purton as a neighbourhood area would allow for the community to consider additional non-strategic housing growth to serve the needs of the community, the potential need for additional employment and community facilities whilst ensuring the identities of the existing settlements and communities are respected.
- 5.4 As such the whole area of the parish of Purton may be considered an appropriate area to be designated as a neighbourhood plan area.

¹ Paragraph 033 Reference ID: 41-033-20140306

- 5.5 However, Purton parish is already designated as part of a neighbourhood area: it is one of seven parishes making up the joint 'North East Wiltshire Villages Neighbourhood Area' (NEW-V). The desirability of maintaining the boundaries of the existing neighbourhood area designation must also be considered.
- 5.6 In light of the application from Purton Parish Council to designate the whole of Purton Parish as a neighbourhood area it was proposed that the NEW-V neighbourhood area is modified to exclude this parish. All parishes have given their consent to the change. The resulting NEW-V neighbourhood area (consisting of the parish areas of Broad Town, Clyffe Pypard, Lydiard Millicent, Lydiard Tregoz, Lyneham and Bradenstoke and Tockenham), is considered a valid planning unit as the remaining parishes share common characteristics being a group of smaller settlements that are looking for limited development according to the needs of the existing communities. The exclusion of Purton Parish does not fragment any of the settlements or inhibit the remaining parishes to pursue their own neighbourhood development plan.
- 5.7 The application states that the NEW-V neighbourhood area boundary is no longer considered practicable as originally conceived. Purton Parish Council wishes to have its parish designated as an individual neighbourhood area so that it can develop a neighbourhood plan for the Parish that focusses on the village of Purton and its immediate rural hinterland. It is therefore not considered desirable to maintain the boundaries of the NEW-V neighbourhood area designation, and a modification to the NEW-V neighbourhood area, as originally designated on 14th May 2013 is necessary.
- 5.8 It is recognised that the border of the proposed area for designation includes areas where the built up area of Swindon abuts the border of the parish of Purton. It is accepted that the Purton Neighbourhood Plan process will need to consider this and include an open dialogue with all stakeholders to ensure conflict does not arise.
- 5.9 The areas proposed for designation as Purton Neighbourhood Area and the area proposed as the modified NEW-V neighbourhood area fall completely within the Council's area.
- 5.10 The application for designation of Purton Neighbourhood Area was publicised for a period of 6 weeks and 2 days from 9am Monday 27th June until 5pm Wednesday 10th August 2016.
- 5.11 Seventeen responses were received within the consultation period, which raise no objection to the designation. The majority were positive messages about the neighbourhood plan process rather than specifically pertaining to the proposed neighbourhood area designation. All responses will be forwarded to Purton Parish Council. These are set out at Appendix 1.

6. CONCLUSION

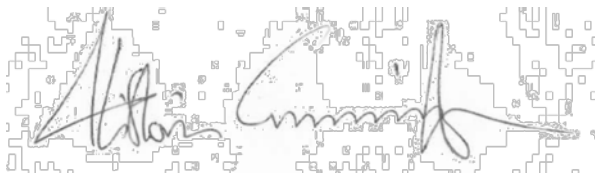
- 6.1 The reasons set out above and the results of the consultation lend support to the designation of Purton Neighbourhood Area. It is considered that the specified area (the subject of the application, as shown on the submitted map) is an 'appropriate area' upon which to base a Neighbourhood Plan. The existing NEW-V neighbourhood area has been modified, after consent of the relevant parish councils, to accommodate designation of Purton Neighbourhood Area.
- 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, Purton Parish Council and all the parishes that the NEW-V neighbourhood area relates to and will be publicised according to the regulations.

7. DECISION

7.1 **The Designation of the Purton 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.

7.2 In designating the Purton Neighbourhood Area **the existing boundary of the North East Wiltshire Villages (NEW-V) Neighbourhood Area, as designated on 14.05.2013, was modified** in accordance with section 61G(6) of the Town and Country Planning Act 1990.

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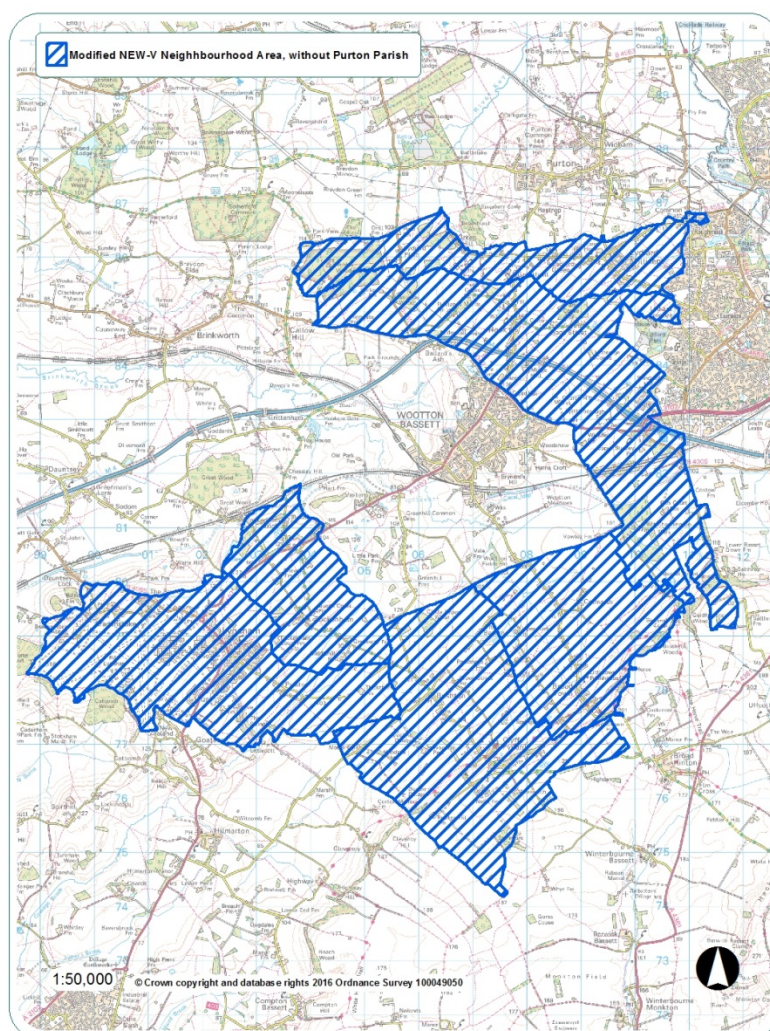
Alistair Cunningham
Associate Director
Economic Development and Planning Services

Dated: 05.12.2016

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF PURTON 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 modify the boundary of the North East Wiltshire Villages ("NEW-V") Neighbourhood Plan to exclude the parish of Purton and include the parishes of Broad Town, Clyffe Pypard, Lydiard Millicent, Lydiard Tregoz, Lyneham and Bradenstoke, and Tockenham, as shown on Plan A. I am satisfied that it is appropriate to modify the neighbourhood area as shown on Plan A, and I confirm that consent was received from each parish council to which the modification relates.

- a) Name of neighbourhood area: NEW-V Neighbourhood Area
- b) Plan A: Map of the NEW-V Neighbourhood Area, as modified 05.12.2016

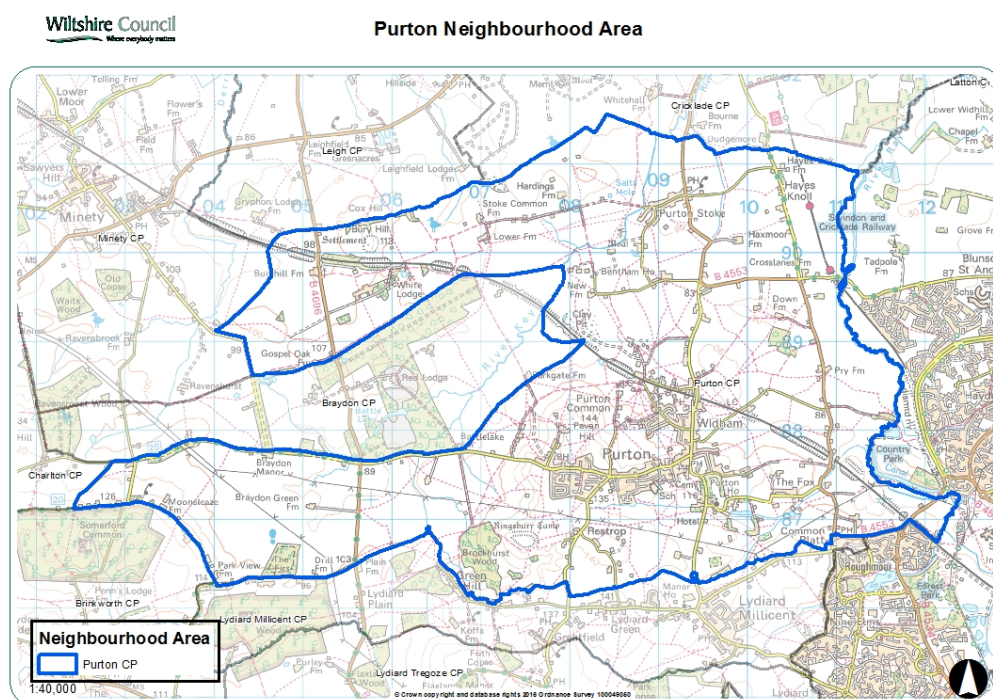


c) I have made this decision in line with the information set out in the 'Neighbourhood Area Designation Application Report'.

3. 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 Purton 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: Purton Neighbourhood Area

b) Plan B: Map of the Purton Neighbourhood Area



c) 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 grid background.

Alistair Cunningham
Associate Director
Economic Development and Planning

Date: 05.12.2016

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

Respondent	Comments
Comments	
Richard Pagett	I fully support the designation of the Purton Neighbourhood Area and I look forward to the consultation of the Purton Neighbourhood Plan itself.
Claire Fish	I wish to register my support for Purton Parish's application to be designated as a neighbourhood area. The Parish Council have worked hard to produce a neighbourhood plan for the parish and in order to submit this the parish needs to be registered as a neighbourhood area. Due to our proximity to Swindon we need this protection from further expansion and unsuitable development. The infrastructure in the area is already over stretched causing over use of unsuitable narrow roads making them dangerous for all road users, but particularly pedestrians, cyclists and horse-riders. The village has a unique character which needs to be protected and preserved. The village is a self-sustaining community offering a good quality of life to the inhabitants. Therefore I believe the application to be designated as a neighbourhood area should be approved.
David Arnold	<p>Sirs,</p> <p>Although not directly involved in this process I am acutely aware of the significant delays encountered by Purton Parish Council as a result of various other Councils dropping out of the original "Frontrunner" scheme and subsequent "New-V" Area Neighbourhood Plan. Locally a lot of work has been done to create a draft Neighbourhood Plan for the Parish that complies with the Government's statutory rules so it is disappointing to find that we must wait another two months while this application is considered with Wiltshire County Council.</p> <p>Locally the Parish is ready and able to move forward and I would urge Wiltshire County Council to approve this application as quickly as possible and end these significant bureaucratic delays.</p> <p>Regards,</p> <p>David</p>
Sarah Grater	Purton is a village where my family live & I grow up, I feel it is essential Purton is able to have & implement its own neighbourhood plan as it effects the people of the village. I fully support this application
Francis Sheppard	<p>It appears that Purton Parish is considerably further advanced with their/our local plan when compared with others in the rest of the interstingly titled North East Wiltshire Villages.group and it would be such a waste of resources and efforts if the plan was not officially adopted by the tardiness of others.</p> <p>The village of Purton already lies within sight of several, very large developments of new houses -- at Ridgeway Farm and North Swindon as just two examples. Combined with the other areas of development in Swindon, the need for many more new houses in Purton -- other than planned infill -- must be hugely questionable and looking after our area becomes even more important.</p> <p>it follows that having our own Neighbourhood Area duly designated is fundamentally important on looking after our neighbourhood and ensure that this</p>

	proudly separate and independent community does not get swallowed up by any more encroaching developments in Swindon.
James Mosley	I agree with the proposed Neighbourhood Area Designation for Purton.
John Hennessy	Purton Parish is significantly being held back by other parishes some of whom have not started their neighbourhood plan. On this basis Purton should be allowed to go alone.
Tina Goodhart	I fully support the application for the Purton Parish Council to go it alone with regards to the Purton neighbourhood plan.
Derek Sharp	We feel that Purton should have a comprehensive development plan asap and that Purton should be designated a neighbourhood area in order to ensure that we retain our village atmosphere. Over crowding leads to poor quality services such as doctors surgeries and schools. In my opinion, greedy developers convince local authorities to grant planning permissions by promising all sorts of attractive things such as shops, play area and doctors surgeries. Such facilities often do not come to fruition. One can market an area for a local shop, but one cannot force anyone to buy it! Same with doctor's surgeries. One can build, but where does the medical staff come from?
Emma Feltham	I fully support the application for Purton Neighbourhood Area Designation. A lot of work has been done locally in preparation for this and the community should not be forced to wait for other villages in the area to develop their own plans before ours can be put in place. This will give the people of Purton proper input to local planning issues and allow us to work collectively for the benefit of all in our village and surrounding areas.
Brian Suff	I fully support the designation of the neighbourhood area plan and that the local people should be the ones to have a say in what happens to their village.
Renate Challis	I fully support the application for the Purton Parish Council to go it alone with regards to the Purton neighbourhood plan.
Pearl Lait	Planning at Pavenhill Purton I do not agree with planning of any type in this area. Because of unsafe road use, will be increased if planning goes ahead.
Peter Andrews	I fully support the application for the Purton Parish Council to go it alone with regards to the Purton neighbourhood plan. It is important for people to feel as they have control of the environment they are living in. Purton is a well defined area with planning issues that should be decided by the residents.
John Loran	In favour
Roy and Marion	We wish to thank all those who have worked on the Purton Neighbourhood Plan,

Hobbs	we whole heartily agree with all the sentiments stated and we look forward to the next stage of the procedure.
Gladman Developments Ltd	<p>Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development and associated community infrastructure. This letter provides Gladman's response on the application made by Purton Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.</p> <p>At this stage Gladman has no specific comments to make on the application for the Neighbourhood Area designation. However, as this is the first formal stage of preparing a Neighbourhood Plan, we would like to take the opportunity to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard.</p> <p>Gladman would also like to assist the Parish Council in preparing the emerging Neighbourhood Plan in order the meet the community's aspirations for its development needs and invite the Parish Council to contact us in this regard.</p> <p>Legal Requirements</p> <p>Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in S8(2) of Schedule 4b of the Town and Country Planning Act 1990. These basic conditions are:</p> <ul style="list-style-type: none"> a) <i><u>Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan</u></i> b) <i><u>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</u></i> c) <i><u>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</u></i> d) <i><u>The making of the neighbourhood plan contributes to the achievement of sustainable development</u></i> e) <i><u>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</u></i> f) <i><u>The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations</u></i> g) <i><u>Prescribed conditions are met in relation to the plan and prescribed matters have been compiled with in connection with the proposal for the neighbourhood plan</u></i> <p>National Policy and Guidance</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 the requirements for the preparation of neighbourhood plans and the role that these Plan's should take in setting out the policies relevant to their local areas. Accordingly S6 of the Framework makes clear that the purpose of the planning system is to contribute to the achievement, a neighbourhood plan basic condition. Therefore policies in paragraphs 18 to 219, taken as a whole, should be considered throughout the preparation of the neighbourhood plan as this constitutes the Government's view on what</p>

	<p>sustainable development in England means in practice for the planning system.</p> <p>At the heart of the framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.</p> <p>The requirement set out in the Framework are further supplemented by the advice and guidance contained in the Neighbourhood Planning chapter of the Planning Guidance Practice (PPG). These updates make clear the Neighbourhood Plans should support strategic needs and deliver against objectively assessed housing needs. Where there is uncertainty regarding what local a local authority's objectively assessed need is, the neighbourhood plan should consider the allocation of housing land to meet local needs and the allocation of reserve sites to minimise any potential conflicts that can arise so that those policies contained in the Neighbourhood Plan are not ultimately overridden by the policies contained in an emerging Local Plan. The PPG also advises that Neighbourhood Plans should not contain policies restricting sustainable development opportunities [PPG Paragraph: 001 Reference ID 50-001-20160519]. Accordingly, to ensure the plan contains sufficient flexibility we would recommend the use of criteria based policies to guide the future development of the neighbourhood plan area in order to meet the communities' wider aspirations.</p> <p><u>Relationship with Local Plans</u></p> <p>To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to the up-to-date strategic policy requirements set out in Local Plans. In this regard, the relevant development Plan consists of the Wiltshire Core Strategy that was adopted in January 2015.</p> <p>It should be noted that the adopted Core Strategy makes clear that the housing target should be considered as a minimum. Accordingly, the Neighbourhood Plan should ensure that it's housing polices reflect this principle so that it allows for a degree of flexibility in the event that a future local plan alters the housing provision expected to be delivered in the Neighbourhood Area.</p> <p>Neighbourhood Plan Policies and Proposals</p> <p>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.</p> <p>The Neighbourhood Plan should seek to positively plan for new development in order to contribute to the delivery of sustainable growth. Therefore, the Neighbourhood Plan should seek to enable sufficient growth to take place in order to assist in delivering local housing needs and to assist the District Council in meeting the full Objectively Assessed Needs for housing.</p> <p>The vision, objectives and policies contained in the Plan should be clearly worded and flexible so that they allow a decision maker to apply those polices</p>
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	<p>consistently with ease. 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.</p> <p>Sustainability Appraisal/ Strategic Environmental Assessment</p> <p>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.</p> <p>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. Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing a SA can help show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhod Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.</p> <p>The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals.</p>
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