

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

APPLICANT:

Clyffe Pypard Parish Council

APPLICATION:

Application for the Designation of Clyffe Pypard 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 Clyffe Pypard 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 Clyffe Pypard Neighbourhood Area **the existing boundary of the North East Wiltshire Villages (NEW-V) Neighbourhood Area (as originally designated on 14.05.2013 and subsequently modified¹) has been further modified** in accordance with section 61G(6) of the Town and Country Planning Act 1990.

Signed:



Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 13.07.2017

¹ The NEWV neighbourhood area was designated on 14.05.2013 and has been modified on a number of occasions to remove parishes from the original designation in response to their applications to designate single-parish neighbourhood areas; 05.12.16 Purton Parish, 06.12.16 Lyneham and Bradenstoke Parish, 14.03.17 Lydiard Millicent Parish, 23.03.17 Lydiard Tregoz Parish, 12.07.17 Tockenham Parish.

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

Date of application	07.04.17
Date of decision	13.07.17
Name of proposed designation	Clyffe Pypard 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 Clyffe Pypard 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 Clyffe Pypard Neighbourhood Area. The application is for the whole parish area of Clyffe Pypard 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 (as modified), which relates to the parish council areas of Broad Town and Clyffe Pypard and these parishes must consent to the modification of the NEW-V neighbourhood area prior to the designation of Clyffe Pypard parish as a neighbourhood area. By submitting their application to have the parish of Clyffe Pypard designated as an individual neighbourhood area it is deemed that Clyffe Pypard Parish Council has 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 Area² and whether or not it is appropriate to modify the existing neighbourhood area.
- 4.3 The fact that the designation of the Clyffe Pypard 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 Clyffe Pypard Parish as a single parish neighbourhood area as set out in the map included with the application. The Parish of Clyffe Pypard is situated in North-East Wiltshire, with the town of Royal Wootton Bassett to the north, and other adjoining parishes of Broad Town, Broad Hinton, Winterbourne Bassett, Berwick Bassett, Hilmarton, Lyneham and Bradenstoke and Tockenham.
- 5.2 Clyffe Pypard parish is rural in nature and includes the hamlets of Clyffe Pypard and Bushton and farms within open countryside. The parish is partly within the North Wessex Downs AONB. The parish is not wholly or predominantly business in nature.
- 5.3 The application states that Clyffe Pypard is a logical planning unit and an appropriate democratic unit for the purposes of facilitating a neighbourhood planning process.
- 5.4 The whole area of the Parish of Clyffe Pypard may be considered an appropriate area to be designated as a neighbourhood plan area.

² Paragraph 033 Reference ID: 41-033-20140306

- 5.5 However, Clyffe Pypard Parish is already designated as part of a neighbourhood area: it is one of two parishes making up the joint 'North East Wiltshire Villages Neighbourhood Area' (NEW-V) as modified. The desirability of maintaining the boundaries of the existing neighbourhood area designation must also be considered. The designation of Clyffe Pypard neighbourhood area would result in Broad Town parish being the sole remaining parish in the North East Wiltshire Villages ('NEW-V') neighbourhood area that was set up as a multiple-parish neighbourhood area. The NEW-V neighbourhood area boundary is no longer considered practicable and there is no desire to maintain the existing boundary. It is therefore proposed that the NEW-V neighbourhood area, as originally designated on 14 May 2013 and subsequently modified, should be further modified to accommodate the designation of Clyffe Pypard parish as a single-parish neighbourhood area. Broad Town Parish Council has given their consent to modify the NEW-V neighbourhood area, and has also submitted an application to have their parish designated as a single-parish neighbourhood area.
- 5.6 The resulting NEW-V neighbourhood area (consisting of the single parish of Broad Town), is considered a valid planning unit.
- 5.7 The areas proposed for designation as Clyffe Pypard Neighbourhood Area and the area proposed as the modified NEW-V neighbourhood area fall completely within the Council's area.
- 5.8 The application for designation of Clyffe Pypard Neighbourhood Area was publicised for a period of 6 weeks and 2 days from 9am Monday 8 May until 5pm Wednesday 21 June 2017.
- 5.9 Three responses were received within the consultation period, which are in support of the designation and 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 Clyffe Pypard 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 Clyffe Pypard 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, Clyffe Pypard Parish Council, and the remaining parish that the NEW-V neighbourhood area relates to and will be publicised according to the regulations.

7. DECISION

- 7.1 **The Designation of the Clyffe Pypard 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 Clyffe Pypard Neighbourhood Area **the existing boundary of the North East Wiltshire Villages (NEW-V) Neighbourhood Area (as originally designated on 14.05.2013 and subsequently modified³)**, has been further modified in accordance with section 61G(6) of the Town and Country Planning Act 1990.

A handwritten signature in black ink, appearing to read 'Alistair Cunningham', written in a cursive style.

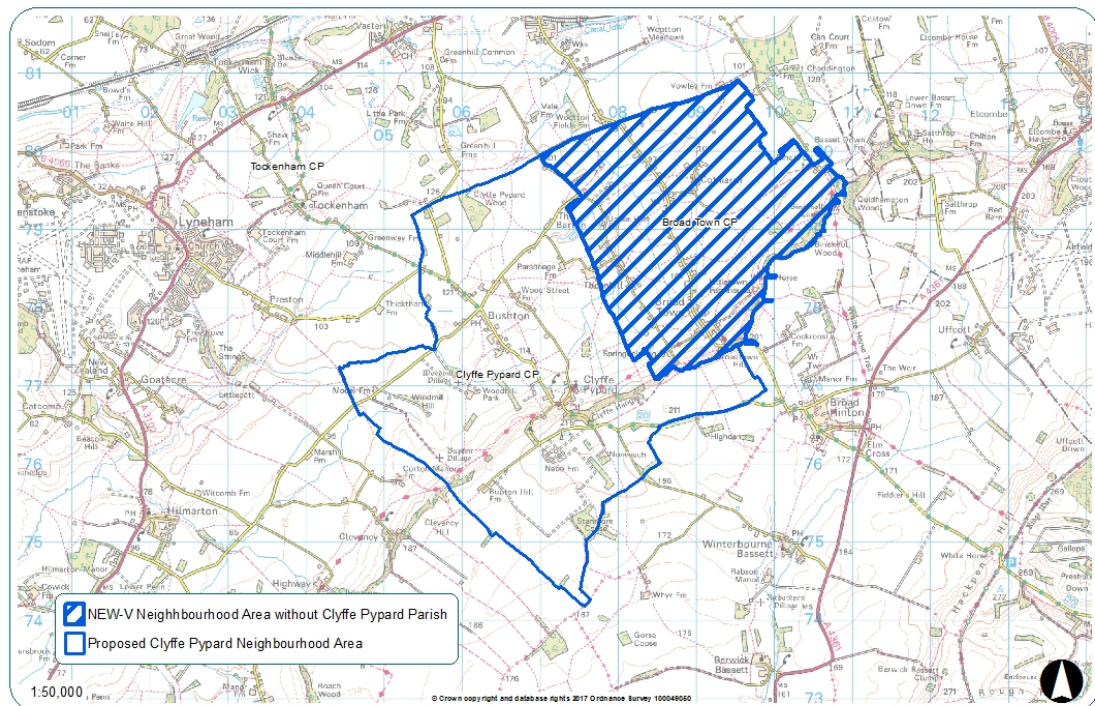
Alistair Cunningham
Associate Director
Economic Development and Planning Services

Dated: 13.07.2017

³ The NEWV neighbourhood area was designated on 14.05.2013 and has been modified on a number of occasions to remove parishes from the original designation in response to their applications to designate single-parish neighbourhood areas; 05.12.16 Purton Parish, 06.12.16 Lyneham and Bradenstoke Parish, 14.03.17 Lydiard Millicent Parish, 23.03.17 Lydiard Tregoz Parish and 12.07.17 Tockenham Parish.

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF CLYFFE PYPARD NEIGHBOURHOOD AREA UNDER SECTION 61(G) OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED)

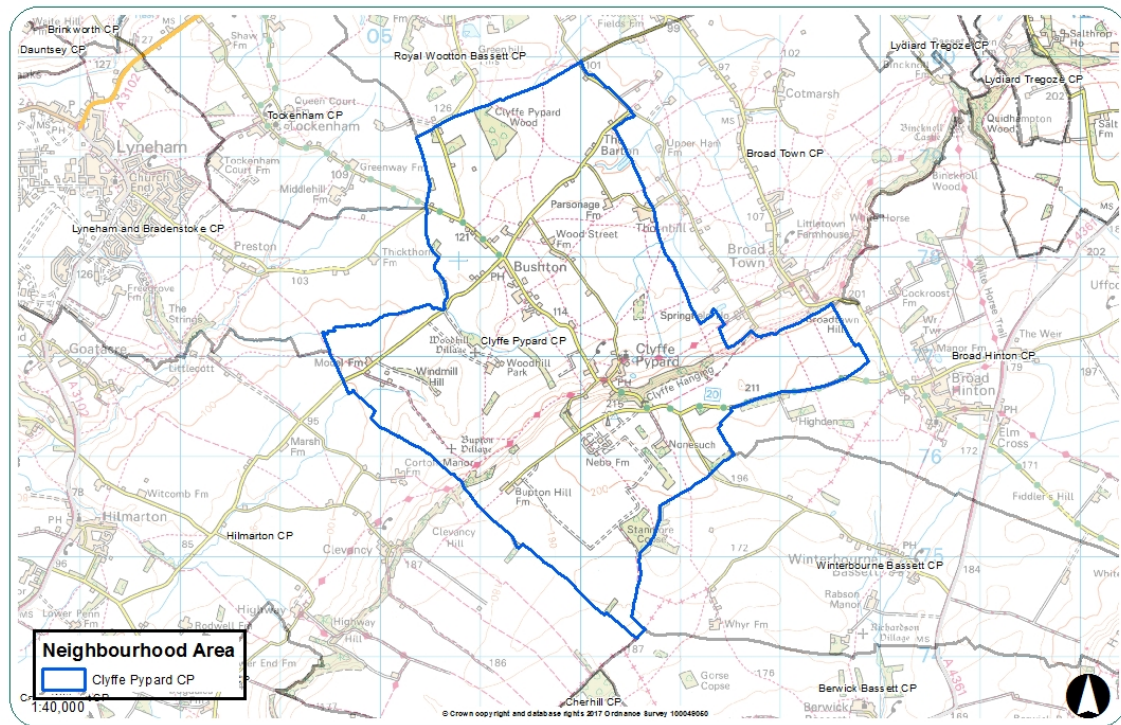
1. I have no private interests to declare in respect of this matter which would prevent me from determining this application.
2. I hereby exercise power under section 61G of the Town and Country Planning Act 1990 (as amended) (“the Act”) and all other powers delegated to me to modify the boundary of the North East Wiltshire Villages (“NEW-V”) Neighbourhood Plan to exclude the parish of Clyffe Pypard and include the parish of Broad Town, 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 13.07.17



- 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 Clyffe Pypard 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: Clyffe Pypard Neighbourhood Area
- b) Plan B: Map of the Clyffe Pypard Neighbourhood Area

Clyffe Pypard Neighbourhood Area



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

Signed:

Alistair Cunningham
Associate Director
Economic Development and Planning
Date: 13.07.17

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

The full representations and any attachments can also be viewed online at http://consult.wiltshire.gov.uk/portal/spatial_planning/np/clyffepypard_npdesig

Respondent	Comments
<i>Comments</i>	
Purton Parish Council (Ms Deborah Lawrence)	At the full Council meeting held on Monday 8 th May 2017, Purton Parish Council considered the application above and proposed full support in the redesignation.
Purton Parish Council (Ms Deborah Lawrence)	At the Parish Council meeting held on Monday 12 th June 2017 Purton Parish Council supported the application for Clyffe Pypard area designation.
Cllr Alison Bucknell	<p>I am the Wiltshire Councillor for Lyneham Division which includes Clyffe Pypard.</p> <p>I am happy to support this area designation.</p>