

**Notification of Decision Regarding the Application for Designation of the Freshford & Limpley Stoke Neighbourhood Area under section 61G of the Town and Country Planning Act 1990 (as amended).**

**Applicants:**

The Freshford & Limpley Stoke Parish Councils

**Application:**

Application for the designation of the Freshford & Limpley Stoke Neighbourhood Area

**Background:**

The application is a joint application by Freshford and Limpley Stoke Parish Councils to Bath and North East Somerset Council and Wiltshire Council who are the local planning authorities for the parishes of Freshford and Limpley Stoke respectively. Because the application is a cross boundary application, Bath and North East Somerset Council and Wiltshire Council have entered into a joint working agreement whereby the application is determined on behalf of both Councils by Bath & North East Somerset Council's Divisional Director of Planning and Transport Development, having first taken into account a report submitted by Wiltshire Council.

**Decision:**

**The designation of the Freshford & Limpley Stoke 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:



David Trigwell  
Divisional Director: Planning & Transport Development

**30<sup>th</sup> October 2013**

## **Bath & North East Somerset Council**

### **Neighbourhood Area Designation Application Report – officer’s decision acting under delegated powers**

**Date of application advertisement**

**7th January 2013**

**Date of decision**

**30<sup>th</sup> October 2013**

**Name of proposed Neighbourhood Area**

**Freshford & Limpley Stoke**

#### **1. Introduction**

1.1 In this case, this Neighbourhood Area Application is submitted on behalf of two Parishes - Freshford within Bath & North East Somerset and Limpley Stoke within Wiltshire. Special arrangements have been put in place to allow the cross-border designation of one Neighbourhood Area for both Parishes. This process is outlined in more detail in this report.

#### **2. Background**

2.1 The power to designate a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990 (as amended). 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 Freshford & Limpley Stoke Parish Councils are 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 Freshford & Limpley Stoke as a Neighbourhood Area concurrently to both Wiltshire and Bath & North East Somerset Councils. The application is for the whole of both parishes to be designated as a single 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 above regulations.

#### **3. Procedure**

3.1 If the application for the designation of this Neighbourhood Area is approved, then Regulation 7(1) of the Neighbourhood Planning (General) Regulations 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.

3.2 In this case, as the Neighbourhood Area is cross boundary in nature, the application requires due consideration and designation on behalf of both Bath & North East Somerset Council and Wiltshire Council. The Councils have therefore entered into a joint working agreement pursuant to section 101(5)(a) of the Local Government Act 1972 and regulations 4 and 9 of the Local Authorities (Arrangements for the Discharge of

Functions) (England) Regulations 2012 whereby the application is determined on behalf of both Councils by Bath & North East Somerset Council's Divisional Director of Planning and Transport Development, having first taken into account the report submitted by Wiltshire Council in **Appendix 1**.

3.3 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. Designation as a business area can only occur if the authority considers that the area the subject of the application is wholly or predominately business in nature [Section 61H (3)].

3.4 In determining the application for the designation as a Neighbourhood Area, regard must be had to the desirability of designating the whole area of the Parish Councils as a Neighbourhood Area.

3.5 The issue is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.

#### **4. Determination of the application**

4.1 The Parish of Freshford lies completely within the Bath & North East Somerset Council's area and the Parish of Limpley Stoke lies completely within Wiltshire Council's area. However the two Parishes are geographically very close and have a strong track record of joint working. The Parishes also have strong inter-connectivity in terms of local facilities and services. In light of this, it is considered that a single neighbourhood area covering both parishes would reflect and continue this tradition of close collaboration, as well as making further neighbourhood planning easier and more convenient. It is also noted that the Parishes share common concerns over the need to provide affordable housing and the designation of this neighbourhood area would enable the parishes to address this issue through the neighbourhood planning process.

4.2 The application for designation as a Neighbourhood Area was publicised for over six weeks between 7th January and 21st February 2013 concurrently by both the Bath & North East Somerset and Wiltshire Councils. No responses were received by either Council during the consultation period.

4.3 **Appendix 1** contains an officer report from Wiltshire Council which has been taken into consideration when preparing this report.

4.4 There do not appear to be any factors weighing in favour of refusing the application.

4.5 Finally, with regard to whether to also designate this neighbourhood area as a business area, it is considered that the area is not wholly or predominantly business in nature and is therefore unsuitable for designation as a business area.

## **5. Conclusion**

5.1 For the reasons set out in paragraph 4.1, it is considered that the specified area is an appropriate area to be designated as a neighbourhood area.

5.2 Because the specified area is not wholly or predominantly business in nature, it is inappropriate to designate it as a business area.

5.3 A copy of this report will be sent to the Freshford & Limpley Stoke Parish Councils.

## **6. DECISION**

6.1 **The designation of the Freshford & Limpley Stoke 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.



**David Trigwell**  
**Divisional Director: Planning & Transport Development**

30<sup>th</sup> October 2013

## DECISION NOTICE

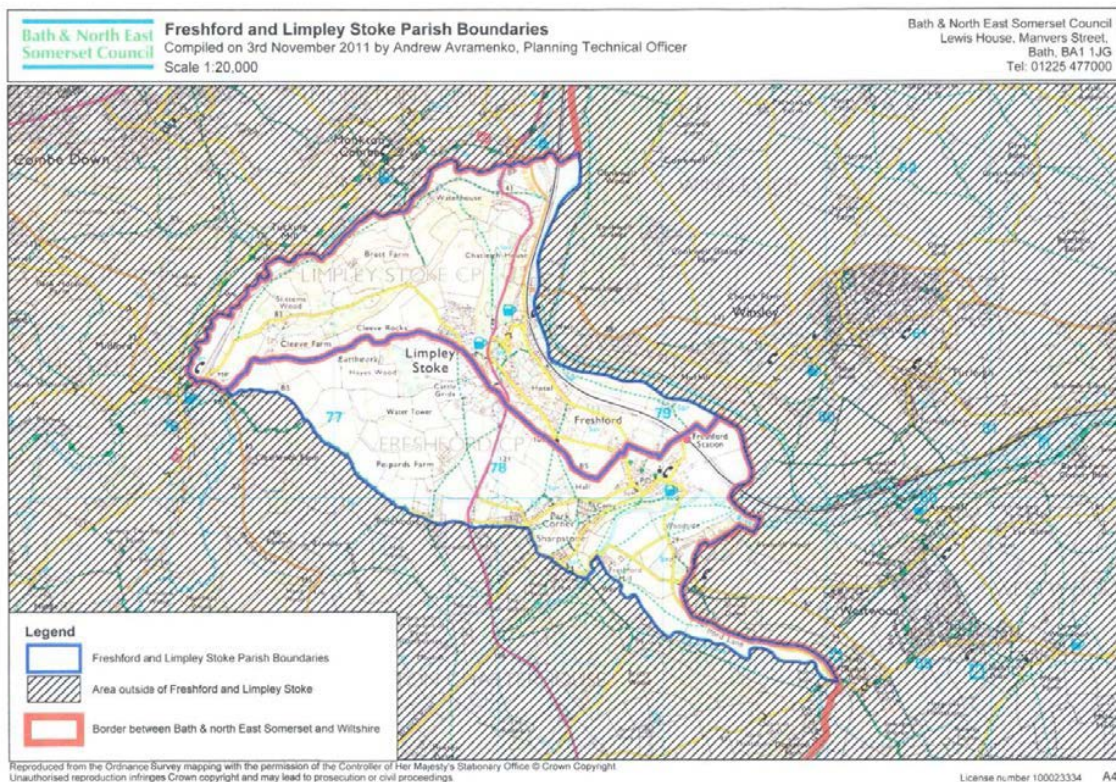
### Decision Regarding the Application for Designation of the Freshford & Limpley Stoke Neighbourhood Area under section 61 (G) of the Town and Country Planning Act 1990 (as amended)

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 my 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 Freshford & Limpley Stoke Neighbourhood Area for the purposes of section 61G 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 of the Act as it is not wholly or predominately business in nature.

a) Name of neighbourhood area: Freshford & Limpley Stoke

b) Map of neighbourhood area:



c) Relevant body: Freshford & Limpley Stoke Parish Councils form the 'relevant body' for the purposes of section 61G(2)(a) of the Town and Country Planning Act 1990 (as amended)

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 'D Trigwell', with a small dot at the end.

David Trigwell

Divisional Director: Planning & Transport Development

Decision published: 30<sup>th</sup> October 2013

## **Appendix 1: Wiltshire Officer Report on Designation of a joint Neighbourhood Area for Freshford & Limpley Stoke**

### **WILTSHIRE COUNCIL**

### **OFFICER'S REPORT FOR BATH & NORTH EAST SOMERSET COUNCIL – FRESHFORD AND LIMPLEY STOKE NEIGHBOURHOOD AREA**

#### **Purpose of report**

1. This officer report provides colleagues at Bath & North East Somerset Council (B&NES) a clear background to matters relating to the Freshford and Limpley Stoke Neighbourhood Plan currently in preparation. This is in respect of the Councils' agreement that B&NES will act as the 'lead authority' for the purposes of determining the Freshford and Limpley Stoke Neighbourhood Area.

#### **Background**

2. The parishes of Freshford, within Bath & North East Somerset, and Limpley Stoke, within Wiltshire, are currently preparing a joint neighbourhood plan under the provisions of the Localism Act 2011.
3. In November 2011, Wiltshire Council and B&NES submitted a joint application for a grant under the Government's Neighbourhood Planning Frontrunners' Scheme to support Freshford and Limpley Stoke Parish Councils in their aspiration to prepare a neighbourhood plan. The two villages of Freshford and Limpley Stoke are well related both physically and functionally, and share common concerns over the need to provide affordable housing. This formed the basis for the application. The application was successful and grant funding (£20,000) was secured, which is managed by B&NES in association with Wiltshire Council.
4. The emerging Neighbourhood Plan will identify and allocate non strategic development to support the viability and vitality of community facilities in Freshford and Limpley Stoke. It will also enable a locally distinctive framework to be developed to complement that provided by the emerging Wiltshire Core Strategy and emerging B&NES Core Strategy.

#### **Steering group**

5. The Freshford and Limpley Stoke Neighbourhood Plan Steering Group has been set up to prepare the plan and is led by the parish councils. The Group includes a cross section of community representatives that meet regularly to develop the draft plan.
6. Planning officers from Wiltshire Council and B&NES have been (and will continue to be) informal members of the steering group and act as 'link officers' providing support and advice.

## Neighbourhood area designation application

7. On 7th January 2013, Limpley Stoke Parish Council – which forms the ‘relevant body’ for the purposes of section 61G(2) of the Town and Country Planning Act 1990 – submitted an application to Wiltshire Council for the designation of Freshford and Limpley Stoke to be designated as a Neighbourhood Area. The application is for the whole area of Limpley Stoke Parish and the whole area of Freshford 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.
8. Limpley Stoke and Freshford Parish Councils also submitted a joint neighbourhood area designation application to Bath & North East Somerset Council, with the understanding that both Wiltshire Council and B&NES would separately consult on the proposed neighbourhood area.
9. Wiltshire Council and B&NES publicised the application for designation as a Neighbourhood Area over the same time period - of 6 weeks and 3 days from 9am Monday 7 January to 5pm Thursday 21 February 2013.
10. Wiltshire Council did not receive any responses to the consultation.

## Recommendation

11. 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’. The fact that the designation of the Freshford and Limpley Stoke Neighbourhood Area would allow a Neighbourhood Plan to be prepared does not form part of the determination of this application.
12. Wiltshire Council supports the designation. It is considered that the specified area is an ‘appropriate area to be designated as a neighbourhood area’. The council considers that the proposed Freshford and Limpley Stoke Neighbourhood Area is coherent, consistent and appropriate in planning terms.

Approved by: 

Alistair Cunningham  
Director, Economy and Regeneration  
Interim Director, Development Services

Date: 8<sup>th</sup> August, 2013