

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

APPLICANT:

Corsham Town Council

APPLICATION:

Application for the Designation of Corsham Neighbourhood Area

Pursuant to the Wiltshire Council constitution and in particular Part 3B the Service 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 Corsham 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: 18.09.15

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

Date of application	21.01.2015
Date of decision	18.09.2015
Name of proposed designation	Corsham Neighbourhood Area
Community Area	Corsham 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 Corsham Town 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 Corsham Neighbourhood Area. The application is for part of the Corsham parish boundary area 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 applied for.
- 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 Corsham 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 Corsham Town Council is keen to prepare a community-led Neighbourhood Plan to assist in the achievement of a vision, strategy and overall plan for Corsham's development that is supported by those who live and work in the area. The preparation of a Neighbourhood Plan seeks to ensure that additional housing and employment provision is balanced with the desire to retain the existing character and heritage of the area.
- 5.1 The proposed area for designation is the whole of the Corsham parish boundary area, with the exception of a parcel of land to the east of the A350 which has been omitted from the neighbourhood area application. This area of land was omitted as it was considered by the Qualifying Body to be more closely related to the Chippenham settlement and is included in the area under review as part of the emerging Chippenham Site Allocations Development Plan Document being prepared by Wiltshire Council.
- 5.2 Core Policy 11 of the Wiltshire Core Strategy (adopted January 2015) sets out the spatial strategy for the Corsham Community Area. The submitted Neighbourhood Area application includes the settlement of Corsham, which is identified in the Wiltshire Core Strategy as a Market Town. The Neighbourhood Area also includes the settlements of Gastard, Neston and Westwells, which are identified in the Core Strategy as Small Villages. The Neighbourhood Area also includes part of the Large Village of Rudloe (the part which is within the Corsham Town Council area).
- 5.3 The Neighbourhood Area application notes that Corsham Town Council would have preferred to include an area to the west of the Corsham settlement (i.e. the whole of Rudloe and land to the south of this settlement) in the Neighbourhood Area. However, this is not currently possible as it falls within Box parish. The Neighbourhood Area application clarifies that it was not possible to reach an agreement with Box Parish Council, the relevant body, to extend the neighbourhood area to include the whole of the settlement of Rudloe, which could have formed a more desirable boundary. Further dialogue has taken place with Box Parish Council since submission of the application to reconsider this issue but agreement has not been reached.
- 5.4 The Neighbourhood Area application also makes reference to the Swindon and Wiltshire Local Economic Partnership's (SWLEP) Strategic Economic Plan (March 2014) which recognises the economic potential of Corsham. An outcome of the SWLEP is the production

of a Masterplan for Corsham (the Corsham Area Framework), which will help to inform and provide evidence to support the emerging Corsham Neighbourhood Plan. The Corsham Area Framework process is being led by Wiltshire Council and is due to be completed by the end of 2015..

5.5 The specified Neighbourhood Area falls completely within Corsham Town Council's area.

5.6 The application for designation as a Neighbourhood Area was publicised for a period of 6 weeks and 2 days from 9am Monday 2 February until 5pm Wednesday 18 March 2015.

5.7 In total 2 responses were made within the consultation period. The comment from Chippenham Without Parish Council raises no objections to the Neighbourhood Area designation. The representation from Gladman Developments makes no specific comments on the application for the Neighbourhood Area designation, though takes the opportunity to comment on neighbourhood planning in general and the process of preparing the Corsham Neighbourhood Plan. These comments relate to plan content and can be taken into consideration during plan preparation but does not relate to the designation of the area.

5.8 The representations received were taken into account in the decision making process for considering the designation of this Neighbourhood Area. The representations received are set out in Appendix 1.

6. CONCLUSION

6.1 The reasoning above and the comments received through the consultation lend support to the designation of a Neighbourhood Area for Corsham.

6.2 There are valid planning reasons for excluding the parcel of land to the east of the A350 from the Neighbourhood Area application, as this area is strongly related to the settlement of Chippenham. Furthermore, there is a planning permission (subject to the signing of a section 106 agreement) on this parcel of land (Hunters Moon) which if and when completed will extend the built area of Chippenham to the A350.

6.3 With regards to Rudloe, Wiltshire Council has raised concerns about the appropriateness of defining a neighbourhood area which divides a settlement and has discussed this with Corsham Town Council and Box Parish Council. National Planning Practice Guidance on designating a neighbourhood area¹ identifies a number of considerations in deciding the boundaries of a neighbourhood area, which would support the inclusion of the whole of the Rudloe settlement in a single neighbourhood area. However, as the Local Planning Authority, Wiltshire Council is not able to extend the neighbourhood area to include the whole of Rudloe and surrounding land. Wiltshire Council has considered the desirability of designating part of the area applied for (i.e. excluding Rudloe from the Neighbourhood Area); however there are no valid planning reasons for doing this in this case.

6.4 Wiltshire Council must therefore designate the Neighbourhood Area applied for. However, without wishing to prejudge the content of the Corsham Neighbourhood Plan, it is important

¹ Paragraph 33 of Planning Practice Guidance – Neighbourhood Planning – Designating a neighbourhood area (DCLG, 2014). Available online at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/designating-a-neighbourhood-area/>

that the whole of Rudloe and its surrounds is appropriately considered in the preparation of the plan. Corsham Town Council, as the qualifying body, is encouraged to engage with the wider Rudloe community in developing the evidence base for the plan and consider Rudloe as a whole (though any policies proposed could only apply to the designated neighbourhood area).

6.5 The designation of this Neighbourhood Area would not prohibit the Neighbourhood Area being extended in the future, if Box Parish Council and Corsham Town Council agreed to submit a revision to the Neighbourhood Area.

6.6 The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.

6.7 A copy of this report will be sent to the qualifying body, Corsham Town Council.

7. DECISION

7.1 **The Designation of the Corsham 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.

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

Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 18.09.15

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

Respondent	Comments
Chippenham Without Parish Council	<p style="text-align: center;"><i>Comments</i></p> <p>My Council has considered your letter and the application details and has asked me to inform you that they wish to raise no objections.</p> <p>The Council sees this as the start of the continuing process of local communities getting even more involved in determining their futures and wish the Town Council and their Neighbourhood Planning Team well in their endeavours.</p> <p>The Parish Council trusts that their observations will be taken into consideration when the Corsham Town Council's application is determined.</p>
Gladman Developments	<p>Gladman Developments Ltd specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladman's representations on the application made Corsham Town Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.</p> <p>At this stage Gladman have no specific comments to make on the application for the Neighbourhood Area designation. However, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to comment on the Corsham Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. Gladman wish to participate in the Neighbourhood Plan's preparation and to be notified of further developments and consultations in this regard.</p> <p><u>Neighbourhood Plans - Guidance and Legislation</u></p> <p>Before a Neighbourhood Plan can proceed to referendum in must be tested against the Neighbourhood Plan Basic Conditions, set out in paragraph 8(2) of Schedule 48 of the Town and Country Planning Act 1990 and further detailed in paragraph 065 of the Neighbourhood Plan PPG. These Basic Conditions are:</p> <p><i>a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan</i></p> <p><i>b) 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</i></p> <p><i>c) 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</i></p> <p><i>d) The making of the neighbourhood plan contributes to the achievement of sustainable development</i></p> <p><i>e) 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</i></p> <p><i>f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations</i></p> <p><i>g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan</i></p> <p>If a Neighbourhood Plan is not developed in accordance with the Neighbourhood</p>

Plan Basic Conditions there is a real risk that it will fail when it reaches Independent Examination.

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 requirements for the preparation of neighbourhood plans and the role these should take in setting out policies for the local area. The guidance set out in the Framework has now been supplemented by the recently published Planning Practice Guidance (PPG) on Neighbourhood Plans.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. It states that:

"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

Although the Neighbourhood Plan section of the PPG indicates that Neighbourhood Plans can be advanced before an up-to-date Local Plan is in place, Gladman would strongly question the ability to progress a Neighbourhood Plan on this basis. If a Neighbourhood Plan is progressed prior to an up-to-date Local Plan being prepared, or the strategic policies and development

requirements set out in an emerging Local Plan change, then the work on the Neighbourhood Plan is likely to be abortive. A Neighbourhood Plan cannot be consistent with the requirements of the Framework or the meet the Neighbourhood Plan Basic Conditions if it is progressed on a development plan that is out-of-date.

Gladman note that the Wiltshire Core Strategy was adopted by Wiltshire Council on 20th January 2015. This plan provides the overarching planning policy framework for Wiltshire for the period up to 2026. A housing Site Allocations DPD will sit alongside the Core Strategy. The Council are currently undertaking an informal consultation on the methodology and initial findings relating to the identification of housing allocations. This consultation closes on 31st March 2015. Gladman will be submitting representations to this consultation.

Neighbourhood Plan Policies and Proposals

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.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. 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.

Sustainability Appraisal/Strategic Environmental Assessment

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.

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. Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input. The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

Site Submission-Land to the North of Bath Road, Corsham

Gladman have land interests to the North of Bath Road, Corsham. Gladman note that this site falls within the proposed Neighbourhood Plan area designation. Gladman consider the site to be suitable, available and deliverable for housing development. See Appendix 1 for a location plan. *[inserted below]*



As the Town Council will be aware Gladman submitted an outline planning application for a scheme of up to 150 dwellings and 1394 square metres of office space (application ref: 13/05188/OUT). Planning permission was refused and Gladman subsequently submitted an appeal (appeal ref: APP/Y3940/A/14/2222641). The appeal took place in March 2015 and Gladman are currently awaiting the Inspector's decision.

Gladman believe that this site can bring real benefits to the local community and should be considered as a potential residential allocation through the

neighbourhood plan process.

Neighbourhood Plan preparation

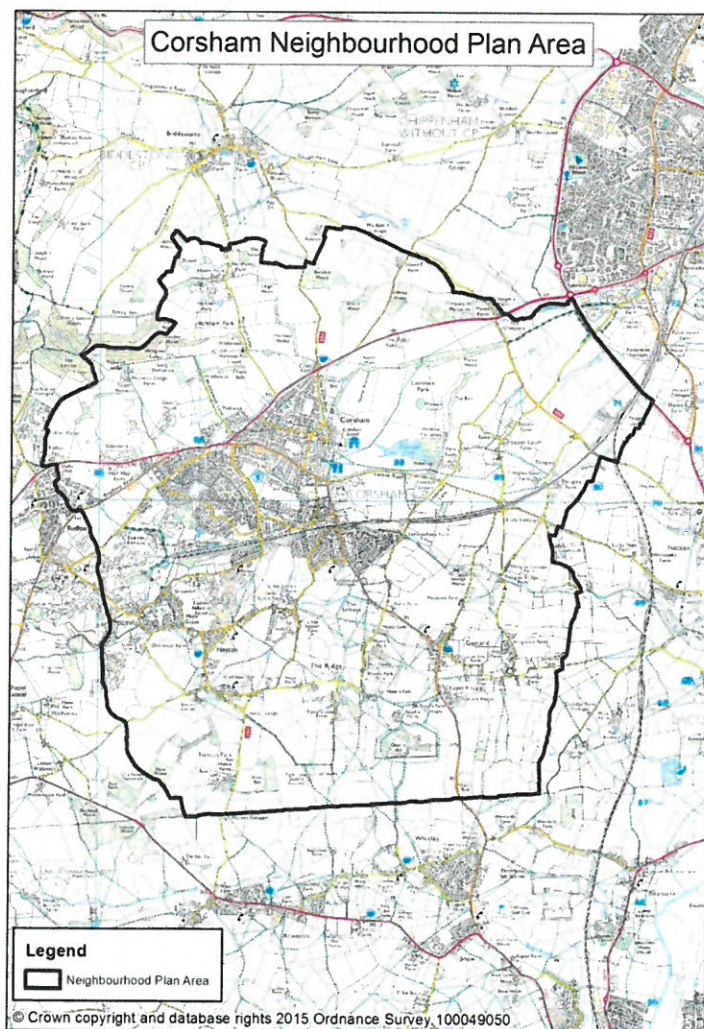
Gladman would like to be kept informed of progress with the Corsham Neighbourhood Plan and any subsequent stages of public consultation. Should you have any queries in relation to our response please do not hesitate to contact us. Gladman would be happy to meet with the Town Council to discuss these representations in further detail.

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF CORSHAM 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 Corsham 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: Corsham Neighbourhood Area

b) Map of neighbourhood area:



- c) Relevant body: Corsham Town Council form the 'relevant body' (for the purposes of 61G(2) of the Town and Country Planning Act 1990)
- d) 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

Decision published: 18.09.15