

**Notification of Decision Regarding the Application for Designation of  
Batheaston Neighbourhood Area under section 61G of the Town and  
Country Planning Act 1990 as amended.**

**Applicant:**

Batheaston Parish Council

**Application:**

Application for the Designation of Batheaston Neighbourhood Area

**Pursuant to the Bath & North East Somerset Council's *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES*, the Divisional Director: Planning and Transport is authorised to consider area designation applications for Neighbourhood Planning and if appropriate approve applications.**

**Decision:**

**The Designation of the Batheaston 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

Dated: 19<sup>th</sup> March 2013

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

### **Neighbourhood Area Designation Application Report – Officers Decision acting under delegated powers**

**Date of application advertisement**

**7<sup>th</sup> January 2013**

**Date of decision**

**19<sup>th</sup> March 2013**

**Name of proposed Neighbourhood Area**

**Batheaston**

#### **1. Introduction**

1.1 Pursuant to the Bath & North East Somerset Council's My Neighbourhood: Neighbourhood Planning Protocol, the Director for Planning and Transport is authorised to consider area designation applications for Neighbourhood Planning 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 Batheaston Parish Council is 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 Batheaston Neighbourhood Area. The application is for the whole parish 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.

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 Batheaston 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 which includes the whole parish is considered appropriate, as it will enable a Neighbourhood Plan to allocate and identify non strategic development sites across the plan area and to provide a locally distinctive policy framework to complement that provided by the emerging B&NES Core Strategy.

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 over six weeks between 7<sup>th</sup> January and 21<sup>st</sup> February 2013.

5.4 In total four responses were made within the consultation period. These representations are available in **Appendix 1**.

## **6. Conclusion**

6.1 It is considered that the specified area is coherent, consistent and appropriate in planning terms and is an 'appropriate area to be designated as a neighbourhood area'.

6.2 All representations received were taken into account, in the decision making process for the designation of this Neighbourhood Area. There were no objections to the application.

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

6.4 It is also considered that it is not desirable that only part of the parish area be designated.

6.5 The specified area without modification should be designated as a Neighbourhood Area for the reasons set out in the application. The area represents the built area which is being planned for with the objective of identifying and allocating development sites within the identified neighbourhood area and is appropriate in planning terms.

6.6 A copy of this report will be sent to Batheaston Parish Council.

## **7. DECISION**

7.1 **The Designation of Batheaston 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**  
Dated: 19<sup>th</sup> March 2013

**Appendix 1:** Responses submitted to Bath & North East Somerset Council during the consultation on the application for designation of Batheaston Neighbourhood Area.

The Coal Authority	<p>Designation of a Neighbourhood Plan Area for Batheaston Thank you for your email of the 30 January 2013 consulting The Coal Authority on the above. The Coal Authority has no specific comments to make on the designation of the Neighbourhood Plan Area. Yours sincerely R. A. Bust</p> <p>Miss Rachael A. Bust <i>B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI</i> Chief Planner / Principal Manager</p>
Network Rail	<p>Network Rail has been consulted Bath &amp; North East Somerset Council on the Application to designate Batheaston Neighbourhood Area. Thank you for providing us with this opportunity to comment on this Planning Policy document.</p> <p>Upon the review of this document, Network Rail has no comments to make.</p> <p>Regards,</p> <p>Barbara Morgan Town Planning Technician (Western)</p>
The Canal & River Trust	<p>Thank you for consulting the Canal &amp; River Trust on the proposed Batheaston Neighbourhood Area. However as the J Kennet &amp; Avon Canal does not run through the proposed area we have no comments to make.</p> <p>Best regards</p> <p>Jane Hennell Area Planner South</p>
Wessex Water	<p>Thank you for your email of 30th January advising Batheaston Neighbourhood Area Designation application and consultation. The area of designation is noted.</p> <p>Should the designation be accepted Wessex Water as Sewerage and Water Undertaker for the area will be pleased to provide assistance as required.</p> <p>Gillian Sanders Planning Liaison</p>

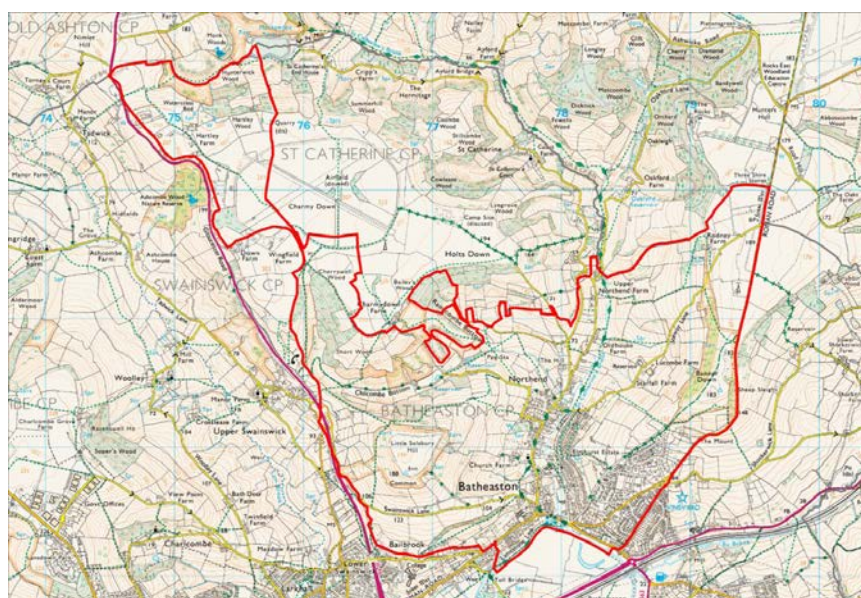
## Decision Regarding the Application for Designation of Batheaston Neighbourhood Area under section 61 (G) of the Town and Country Planning Act (as amended)

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 Batheaston 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: Batheaston

b) Map of neighbourhood area:



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c) Relevant body: Batheaston Town 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:



David Trigwell  
Divisional Director: Planning & Transport  
Decision published: 19<sup>th</sup> March 2013