

Appendix A

Formal Neighbourhood Plan Area Designation

**Bath & North East
Somerset Council**

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

Applicant:
Stowey Sutton Parish Council

Application:
Application for the Designation of Stowey Sutton 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 Stowey Sutton 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

Dated: 13th December 2013

Bath & North East Somerset Council

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

Date of application advertisement	21th October 2013
Date of decision	5th December 2013
Name of proposed Neighbourhood Area	Stowey Sutton

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 Stowey Sutton 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 Stowey Sutton 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 Stowey Sutton 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 24th October and 5th December 2013.

5.4 Three responses were received within the consultation period and are attached as 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 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 It is also considered that it is not desirable that only part of the parish area be designated.

6.4 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 Stowey Sutton Parish Council.

7. DECISION

7.1 **The Designation of Stowey Sutton 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: 13th December 2013

Decision Regarding the Application for Designation of Stowey Sutton 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 Stowey Sutton 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: Stowey Sutton

b) Map of neighbourhood area:



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c) Relevant body: Stowey Sutton 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: 13th December 2013

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

<p>David Stuart Historic Places Adviser</p>	<p>Dear Sir/Madam</p> <p>NEIGHBOURHOOD AREA CONSULTATION – STOWEY SUTTON</p> <p>Thank you for giving notice that Stowey Sutton Parish Council has applied to designate Stowey Sutton Parish as a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012.</p> <p>English Heritage has no objection to this proposal.</p> <p>We would like to take the opportunity of the consultation to outline the range of support English Heritage is able to offer in relation to Neighbourhood Plans. It would be helpful if this response can be copied to the Parish Council for their information.</p> <p>Research has clearly demonstrated that local people value their heritage¹ and Neighbourhood Plans are a positive way to help communities care for and enjoy the historic environment.</p> <p>English Heritage is expecting that as Neighbourhood Planning Forums come to you to seek advice on preparing Neighbourhood Plans they will value guidance on how best to understand what heritage they have, as well as assistance on preparing appropriate policies to secure the conservation and enhancement of this local heritage resource.</p> <p>Information held by the Council and used in the preparation of your Core Strategy/Local Plan is often the starting point for Neighbourhood Plans. Other useful information may be available from the Historic Environment Record Centre or local environmental and amenity groups. English Heritage also publishes a wide range of relevant guidance. Links</p>
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¹ English Heritage, *Heritage Counts*, 2008

	<p>to these can be found in the appendix to this letter.</p> <p>Plan preparation also offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking or further deepening historic characterisation studies.</p> <p>English Heritage has a statutory role in the development plan process and there is a duty on either you as the Local Planning Authority or the Neighbourhood Planning Forum to consult English Heritage on any Neighbourhood Plan where our interests are considered to be affected as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>English Heritage will target its limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. Our local offices may also advise communities where they wish to engage directly with us, subject to local priorities and capacity.</p> <p>English Heritage fully recognises that the neighbourhood planning process is a locally-led initiative and communities will shape their own neighbourhood plan as informed by the issues and opportunities they are most concerned about and relevant to the local area. As a national organisation we are able to draw upon our experiences of neighbourhood planning across the country and information on our website might be of initial assistance http://www.english-heritage.org.uk/caring/get-involved/improving-your-neighbourhood/. It is envisaged that the website will be progressively updated to share good practice in the management of the historic environment through neighbourhood planning.</p>
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	<p>Should you wish to discuss any points within this letter, or if there are issues about this Neighbourhood Plan Area where the historic environment is likely to be of particular interest, please do not hesitate to contact me.</p> <p>Yours faithfully David Stuart Historic Places Adviser</p>
Jacqui Ashman, Asset Manager	<p>Dear Sirs</p> <p>Thank you for consulting the Highways Agency on the application from Stowey Sutton Parish Council seeking designation as a Neighbourhood Area. As the parish of Stowey Sutton is some miles from the strategic road network we have no comments to make on the designation application.</p> <p>Regards</p> <p>Jacqui</p>
Claire Hall Land Use Development Plan Network	<p>Dear Sir/Madam</p> <p>Designation of Neighbourhood Planning Area by Stowey Sutton Parish Council</p> <p>Thank you for notifying Natural England of your Neighbourhood Planning Area dated 24/10/2013</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on</p>

Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.

The following is offered as general advice which may be of use in the preparation of your plan.

Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: <http://www.nbn-nfbr.org.uk/nfbr.php>

Protected landscapes

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.

Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

Natural England Standing Advice Page 2 of 2

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may

provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

If, as you develop your plan or order, you consider it will affect Natural England's interests, you should consult Natural England at consultations@naturalengland.org.uk.

For clarification of any points in this letter, please contact Amanda Grundy on 0300 060 1454.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely
Claire Hall
Land Use Development Plan Network