

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

**Applicant:**

Stanton Drew Parish Council

**Application:**

Application for the Designation of Stanton Drew 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 Stanton Drew 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: 11<sup>th</sup> October 2013

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

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

<b>Date of application advertisement</b>	<b>23<sup>rd</sup> August 2013</b>
<b>Date of decision</b>	<b>6<sup>th</sup> October 2013</b>
<b>Name of proposed Neighbourhood Area</b>	<b>Stanton Drew</b>

#### **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 Stanton Drew 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 Stanton Drew 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 Stanton Drew 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 23<sup>rd</sup> August and 6<sup>th</sup> October 2013.

5.4 In total seventeen 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 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 Stanton Drew Parish Council.

## **7. DECISION**

7.1 **The Designation of Stanton Drew 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: 11<sup>th</sup> October 2013

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

Simon Whittle	This application is a very positive move for the Parish and has my full support. I am willing to provide assistance where required.
R.A. Wear	I wish to express my wholehearted support for the designation of Stanton Drew as a Neighbourhood Area. I feel very strongly that local residents in any area, ie. the people who know the area and have its best interests at heart, should be fully involved in any planning proposals which are put forward. The people who would be most affected by the plans should be given a voice and, together with their Parish Council, be able to influence any decisions made by the Planning Authority.
Elizabeth Richardson	I would like to support the Stanton Drew Parish Council application to be designated as a Neighbourhood Area.
Karen Abolkheir	Dear Planning Office  I wholeheartedly support the application area as a sensible area encompassing the whole of the parish.  The Parish Council understand the area including the archaeological significance of not only the ancient sites but the more recent industrial past - as well as understand the residents and what is required in the area.
Jacqui Ashman Highways Agency	Dear Sirs  Thank you for consulting the Highways Agency on the application from Stanton Drew Parish Council seeking designation as a Neighbourhood Area. As the parish of Stanton Drew is some distance from the strategic road network we have no comments to make on the designation application.  Regards  Jacqui
Jane Hennell	Dear Sirs  Thanks for the consultation on the above proposed Neighbourhood plan designation.  As the Canal & River trust have no waterways in this area we have no comments to make.
Peter Undy	Please accept this notification that I would like to support the Stanton Drew Parish Council application to be designated as a Neighbourhood Area.
Janice Undy	Please accept this notification that I would like to support the Stanton Drew Parish Council application to be designated as a Neighbourhood Area.
Chew Magna	Chew Magna Parish Council support the proposal to designate

Parish Council	<p>Stanton Drew Neighbourhood Area.</p> <p>With kind regards,</p> <p>Donna</p>
J.A. Wear	I fully support the application for Stanton Drew to become a Neighbourhood Area
Frances Hudson	I would like to support the Stanton Drew Parish Council application to be designated as a Neighbourhood Area.
John Hudson	I would like to support the Stanton Drew Parish Council application to be designated as a Neighbourhood Area.
Barbara Morgan Network Rail	<p>Dear Sir/Madam</p> <p>Network Rail has been consulted by Bath and North East Somerset on the application to designate Stanton Drew 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>
A.Bennett	<p>Dear Sir/Madam,</p> <p>I write to inform you of my full support to the Application to designate Stanton Drew Neighbourhood area, which has been submitted by our Chair of Parish Council, Judith Chubb-Whittle.</p>
R A Bust The Coal Authority	<p>Dear Sir/Madam</p> <p><b><u>Stanton Drew Neighbourhood Plan – Consultation on Plan Area</u></b></p> <p>Thank you for the email of the 23 August 2013 consulting The Coal Authority on the above.</p> <p>The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.</p> <p>Whilst The Coal Authority has no specific comments on the principle of the designation of the Stanton Drew Neighbourhood Plan as the parish area lies within the current defined coalfield there are coal mining issues which will need to be considered through any future Neighbourhood Plan.</p> <p>It is acknowledged that this consultation does not include consideration of the issues which will come in a later consultation stage. The Coal Authority would still like to highlight coal mining issues that the Neighbourhood Plan will</p>

	<p>need to consider at the earliest stage:</p> <p>According to current records there are coal resources which exist at the surface and during the ground works for any future development within the Neighbourhood Plan Area the potential for the limited removal of the shallow, surface accessible coal should be considered by developers.</p> <p>According to the Coal Authority Development High Risk Area Plans, within the Neighbourhood Plan Area there are a number of recorded risks from past coal mining activity. The recorded risks include: approximately 54 mine entries; shallow coal workings; thick outcrops and The Coal Authority has received and responded to two emergency call outs to our Emergency Surface Hazards service in two locations within the proposed Neighbourhood Plan area.</p> <p>If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the Bath and North East Somerset Development Plan.</p> <p>In accordance with the Neighbourhood Planning (General) Regulations 2012 please continue to consult The Coal Authority on planning matters using the specific email address of <a href="mailto:planningconsultation@coal.gov.uk">planningconsultation@coal.gov.uk</a></p> <p>Thank you for your attention.</p>
<p>Amanda Grundy Natural England</p>	<p><b>Application to designate Stanton Drew Neighbourhood Area</b></p> <p>Thank you for your consultation on the above, which was received by Natural England on 23 August 2013. 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 and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made. Natural England does not have the resources to get involved in all neighbourhood plans and will prioritise our detailed engagement to those plans that may impact on internationally or nationally designated nature conservation sites, and/or require Strategic Environmental Assessment or screening for Habitats Regulations Assessment.</p> <p>We note that European, national and locally designated sites lie within or close to Stanton Drew parish. Perhaps most notably,</p>

	<p>Chew Valley Lake Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) is located approximately 1.9 km from the parish boundary, which is one of the largest freshwater lakes in south-west England and is of international importance for wildfowl and wader populations that use the site for breeding, roosting and as a feeding area. Folly Farm SSSI is located approximately 170m from the parish boundary and is a mesotrophic grassland site with associated woodland. We also note that the Mendip Hills Area of Outstanding Beauty is approximately 2.5km from the parish boundary.</p> <p>Should the Council designate Stanton Drew parish as a neighbourhood area we would expect due consideration to be given to these and other ecological and landscape interests in the preparation of the Neighbourhood Plan.</p> <p><b>Support available for Neighbourhood Plans</b></p> <p>We have prepared draft joint advice with the Environment Agency, Forestry Commission and English Heritage outlining our role in the process and signposting sources of information and advice. This should be the first point of contact for local communities. Link to document: <a href="http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf">http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf</a>.</p> <p>Four support bodies (Planning Aid, the Prince's Foundation, CPRE/NALC and Locality) have been awarded funding from DCLG to assist communities in neighbourhood planning.</p> <p>The Homes and Communities Agency is administering a fund of £17m, available until March 2015, for communities to use their Community Right to Build. Locality is providing advice to communities on CRTBOs.</p> <p>The Planning Advisory Service is offering support to local planning authorities to assist them in their duty to support local communities.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p> <p>For any queries relating to the specific advice in this letter only please contact Amanda Grundy on 0300 060 1454. For any new consultations, or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p> <p>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.</p> <p>Yours sincerely</p>
<p>David Stuart English Heritage</p>	<p>Dear Sir or Madam</p> <p>Thank you for your notification on the intention to designate Stanton Drew a Neighbourhood Area.</p>

We recently received contact on this matter from the local Neighbourhood Planning team to whom we sent a copy of our initial advice. I have attached a copy of that exchange as it represents essentially what we would have sent in response to this consultation.

You will see also that in response to the specific issues raised in that exchange we refer to the role of your authority in helping to identify at the local level, and using locally available expertise, issues relating to the historic environment and the extent to which these are likely to affect our interests and require our involvement.

Once such an initial exercise has been undertaken we remain happy to be contacted and agree with relevant parties the nature of our follow up engagement.

Yours faithfully



## Decision Regarding the Application for Designation of Stanton Drew 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 Stanton Drew 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: Stanton Drew

b) Map of neighbourhood area:



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c) Relevant body: Stanton Drew Parish 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: 11<sup>th</sup> October 2013