

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

Applicant:

Timsbury Parish Council

Application:

Application for the Designation of Timsbury 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 Timsbury 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: 2nd January 2014

Bath & North East Somerset Council

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

Date of application advertisement

8th November 2013

Date of decision

30th December 2013

Name of proposed Neighbourhood Area

Timsbury

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 Timsbury 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 Timsbury parish Council Neighbourhood Area. The application is for the whole Town Council 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 Timsbury 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 Council area 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 18th November and 30th December 2013.
- 5.4 In total six responses were made 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 Council 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 Timsbury Parish Council.

7. DECISION

- 7.1 **The Designation of Timsbury 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: 2nd January 2014

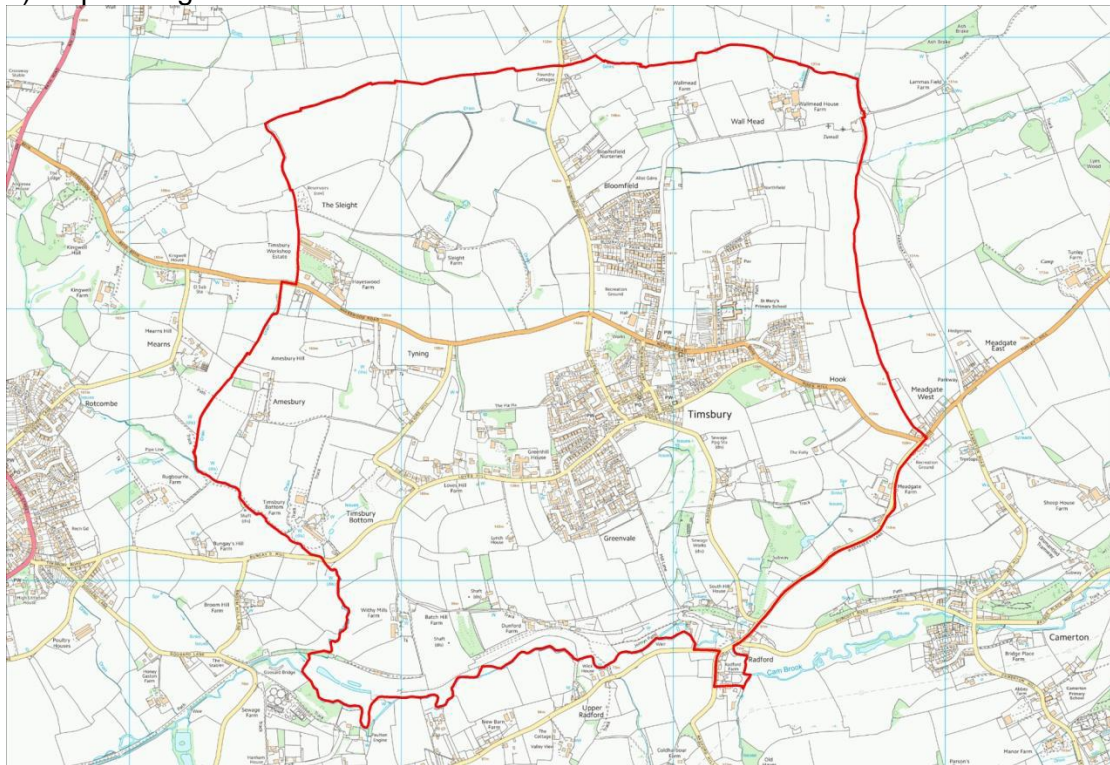
Decision Regarding the Application for Designation of Timsbury Neighbourhood Area under section 61 (G) of the Town and Country Planning Act (as amended)

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 Timsbury 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: Timsbury

b) Map of neighbourhood are



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c) Relevant body: Timsbury 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:

A handwritten signature in black ink, appearing to read 'D. Trigwell', with a long horizontal flourish extending to the right.

David Trigwell
Divisional Director: Planning & Transport
Decision published: 2nd January 2014

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

<p>Jacqui Ashman Highways Agency</p>	<p>21-11-13</p>	<p>Dear Sirs</p> <p>Thank you for consulting the Highways Agency on the application from Timsbury Parish Council seeking designation as a Neighbourhood Area. As the parish of Timsbury is some miles from the strategic road network we have no comments to make on the designation application.</p>
<p>Jane Hennell The Canal & River Trust</p>	<p>28-11-13</p>	<p>Dear sirs</p> <p>Thank you for your consultation with regard to the proposed Timsbury Neighbourhood Area.</p> <p>The Canal & River Trust is the new charity set up to care for England and Wales' wonderful legacy of 200-year-old waterways, holding them in trust for the nation forever. The Trust has responsibility for 2,000 miles of canals, rivers, docks and reservoirs, along with museums, archives and the country's third largest collection of protected historic buildings.</p> <p>The Trust has a range of charitable objectives including:</p> <ul style="list-style-type: none"> • To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment; • To protect and conserve objects and buildings of heritage interest; • To further the conservation, protection and improvement of the natural environment of inland waterways; and • To promote sustainable development in the vicinity of any inland waterways for the benefit of the public. <p>The main sources of the Trust's funding are from a 15-year contract with government and income from boating, property and utilities. This funding is important for keeping our precious 200-year old waterways running, but it is not enough to fully support our canals and rivers as valuable resources for people and nature, particularly when under increased pressure and intensified use from expanding development.</p> <p>Our canals and rivers are today used by more people and for a wider variety of purposes than ever before, with over 35,000 boats and 13 million towpath visitors using them as an escape from the pressures of modern life. Once Britain's most important transport system, our waterways are now a focus for economic renewal in the towns and cities they helped to create.</p> <p>The Trust works extensively with private, public and voluntary partners to conserve, enhance and improve the</p>

		<p>waterways of England and Wales. Our expertise and responsibility for water space, combined with their ownership of docks, canals and waterside properties, puts us in a unique position to facilitate redevelopment for both economic and environmental gain. The canals in particular have historically experienced a prolonged period of decline. In recent years, the canals and river navigations have experienced significant development pressures from commercial, residential and tourism/recreation developments. Attractive waterside environments have stimulated this interest and been at the heart of some of the most significant regeneration schemes. We hope that the Council will continue to view the Trust a key Delivery Partner.</p> <p>The extensive towpath system is being improved and upgraded. It is a valuable asset for pedestrians, cyclists and boaters using it for a variety of reasons. These include getting to work, recreation, leisure and sport. The towpaths already contribute considerably to sustainable transport.</p> <p>Nationally there are</p> <ul style="list-style-type: none"> • 5.5m visits by boaters and their passengers • 6.8m visits by anglers • 23.2 m visits by cyclists • 13.8m visits to waterside attractions • 2.8m visits by canoeists and other unpowered boaters <p>Unfortunately the Kennet & Avon Canal does not run through the parish of Timsbury and therefore we have no comments to make on this proposal.</p>
<p>Barbara Morgan Network Rail</p>	<p>13-12-13</p>	<p>Dear Sir/Madam</p> <p>Network Rail has been consulted Bath and North East Somerset Council on the Application to designate Timsbury 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>David Stuart English Heritage</p>	<p>16-12-13</p>	<p>NEIGHBOURHOOD AREA CONSULTATION – TIMSBURY</p> <p>Thank you for giving notice that Timsbury Parish Council has applied to designate Timsbury 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 heritage 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 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</p>
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		<p>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> <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>Mr Jamie R. Melvin</p> <p>Natural England</p>	<p>19-12-2013</p>	<p>Timsbury Neighbourhood Area</p> <p>Thank you for notifying Natural England of your Neighbourhood Plan.</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. Natural England is a statutory consultee in neighbourhood planning.</p> <p>We must be consulted on draft Neighbourhood Development Plans where the Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals.</p> <p>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.</p> <p>We must also be consulted on 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.</p> <p>The following is offered as general advice which may be of use in the preparation of your plan.</p> <p>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</p> <p>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</p> <p>Protected landscapes</p> <p>If your neighbourhood planning area is within or adjacent</p>

		<p>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.</p> <p>Protected species</p> <p>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.</p> <p>Natural England Standing Advice 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.</p> <p>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 Jamie Melvin on 0300 060 2497.</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>Miss Rachael A. Bust The Coal Authority</p>	<p>20-12-13</p>	<p>Dear Mr Trigwell</p> <p><u>Timsbury Neighbourhood Plan – Consultation on Plan Area</u></p> <p>Thank you for the email of the 15 November 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>The Timsbury parish area lies within the current defined coalfield. As this consultation only relates to the definition of the neighbourhood area, The Coal Authority has no specific comments to make.</p> <p>Although it is acknowledged that this consultation is not looking at issues or details for the proposed Neighbourhood Plan it is recommended that that following information is available to the parish council as they start to prepare their background evidence and preparatory work.</p> <p>Current records indicate that the surface coal resources are present to the west of plan area in the open countryside and away from the built development of the settlement itself.</p> <p>According to the Coal Authority Development High Risk Area Plans for Bath and North East Somerset, within the proposed plan area there are a number of recorded risks from past coal mining activity. There are approximately 51 recorded mine entries, thick outcrops where coal rises to the surface and The Coal Authority has been called out to deal with 5 public safety incidents of ground collapses. 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 please continue to consult The Coal Authority on planning matters using the specific email address of planningconsultation@coal.gov.uk</p> <p>The Coal Authority wishes the Parish Council every success with the preparation of the Neighbourhood Plan.</p>
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