

Direct line:(01225) 47617

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E Mail: planning_policy@bathnes.gov.uk

Date: 30th January 2013

Dear Sir/Madam

Application to designate Batheaston Neighbourhood Area

An application for the designation of Batheaston Parish as a neighbourhood area has been received from Batheaston Parish Council.

Please note this is a formal regulatory stage on the designation of the neighbourhood area and not consultation on the neighbourhood plan itself which may follow in due course.

Comments can be made on the application during the consultation period starting **on Thursday 31st January 2013 until 5pm on Monday 18th March 2013 (5pm)**.

Following this consultation period Bath & North East Somerset Council will consider the comments received in determining the application to ensure that the area is appropriate. The decision will be published on the Council's website.

To make a representation on the proposed neighbourhood area we encourage people to view the consultation on-line www.bathnes.gov.uk/neighbourhoodplanning

You can respond to the consultation by emailing us at planning_policy@bathnes.gov.uk or write to us at the address above. Please note that your comments will be kept on a public file and they may be reproduced publicly.

If you have any questions please do not hesitate to get in contact.

Yours faithfully,



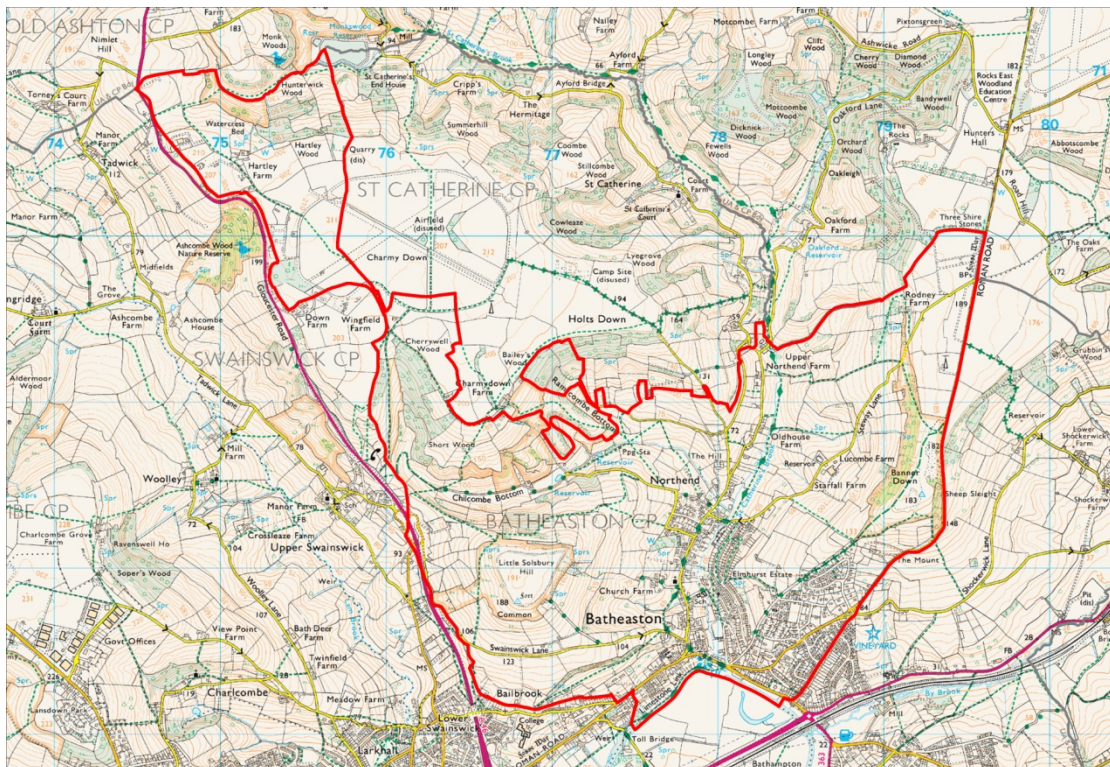
David Trigwell

Divisional Director Planning and Transport Development

The Neighbourhood Planning (General) Regulations 2012

Application for Designation of Batheaston Neighbourhood Area

We have received an application for the designation of the Batheaston Parish as a neighbourhood area from the Parish Council.



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Proposed Batheaston Neighbourhood Area

You can view and make comments on this proposal on our website at:
www.bathnes.gov.uk/neighbourhoodplanning

You can also make comments by email (planning_policy@bathnes.gov.uk) or by writing to us at Planning Policy (Neighbourhood Planning), PO Box 5006, Bath, BA1 1JG.

THE CLOSING DATE FOR COMMENTS IS: 17:00 MONDAY 18th MARCH 2013

Application to Designate a Neighbourhood Area
(for Parish / Town Councils)
Localism Act 2011
Neighbourhood Planning (General) Regulations 2012

Please Note: Before completing this application, all groups are urged to consult Bath & North East Somerset's Neighbourhood Planning Protocol (available [online](#) and from the One-Stop-Shop on Manvers Street, Bath). This document sets out the purpose of and procedure for designating a neighbourhood area and drafting a neighbourhood plan or neighbourhood development order. It is important that you read this guidance as incorrect completion will delay the processing of your application.

Please note that all the information provided on this application form and in supporting documents will be published on the Authority's website. If you require any assistance, advice or clarification, please contact the Planning Policy team.

[Please write in block capitals and black ink]

1) Name of Neighbourhood Area			
BATHEASTON PARISH			
2) Parish / Town Council Chair Details			
Title:	Mr	First Name:	VITO
Surname:	PECCHIA		
House / Flat:	104		
Address 1:	NORTHEM ROAD		
Address 2:			
Address 3:	BATHEASTON		
Town:	BATH		
County:	B&NES		
Postcode:	BA1 7HA		
Daytime Number:	01225 852226		
Mobile Number:			
Email:	vito@vipec.freeserve.co.uk		
3) Relevant Body: Please confirm that you are the relevant body to undertake neighbourhood planning in your area in accordance with section 61G of the 1990 Act and 5C of the 2012 Regulations			
Yes:	YES	Name of Parish / Town Council:	BATHEASTON PARISH COUNCIL
No:			

4) Extent of Area: Please indicate below and attach an OS plan showing the intended extent of the area.	
Whole Parish / Town Boundary area:	YES
Part of Parish / Town Boundary area:	NO
Joint with neighbouring Parish within B&NES: (Please complete details in section 7 below if applying as joint parishes)	NO
Please describe below why you considered the extent of the neighbourhood area is appropriate (100 words max)	
<p>Batheaston Parish covers a wide rural area comprising Areas of Outstanding Natural Beauty, Ancient Monuments, designated Green Belt, accessible frontage to the River Avon, St. Catherine Brook and Batheaston Village. Batheaston is a designated R1 settlement a 'Hub' settlement providing essential services to adjacent communities and contains a Conservation Area and many listed heritage assets. The 2001 National Census records Batheaston to have 1154 households with a resident population of 2625, its demographic composition predominantly in the 25 to 75 plus age group, with a median age of 44 years.</p> <p>The diversity and size of the Parish poses many challenges and gives rise to competing interests within and with adjacent communities. The Parish Council, drawing on its experience of preparing the 2009 Batheaston Vision Plan, its local knowledge, association with business and interest groups, landowner, and relations with neighbouring Parishes is able and capable to identify and explore opportunities and develop policies that augment and expand in detail the Development Plan and facilitate its implementation.</p>	
5) Intention of Neighbourhood Area: Please indicate which of the following you intend to undertake within your neighbourhood area.	
Neighbourhood Development Plan:	<input type="checkbox"/> YES
Neighbourhood Development Order:	<input type="checkbox"/> YES
Community Right to Build Order:	<input type="checkbox"/> YES
6) Additional joint Parish Details: If you are applying with an adjoining parish or parishes please give the clerk's details for each parish.	
NOT APPLICABLE	
7) Declaration I hereby apply to designate a neighbourhood area as described on this form and the accompanying plan. In the case of joint parish applications, names from each parish would need to complete an application.	
Names	V PECCHIA
Date (DD/MM/YY)	16 January 2013

**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: 19th March 2013

Bath & North East Somerset Council

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

Date of application advertisement

7th January 2013

Date of decision

19th 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 7th January and 21st 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: 19th 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 & 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 & River Trust on the proposed Batheaston Neighbourhood Area. However as the J Kennet & 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>

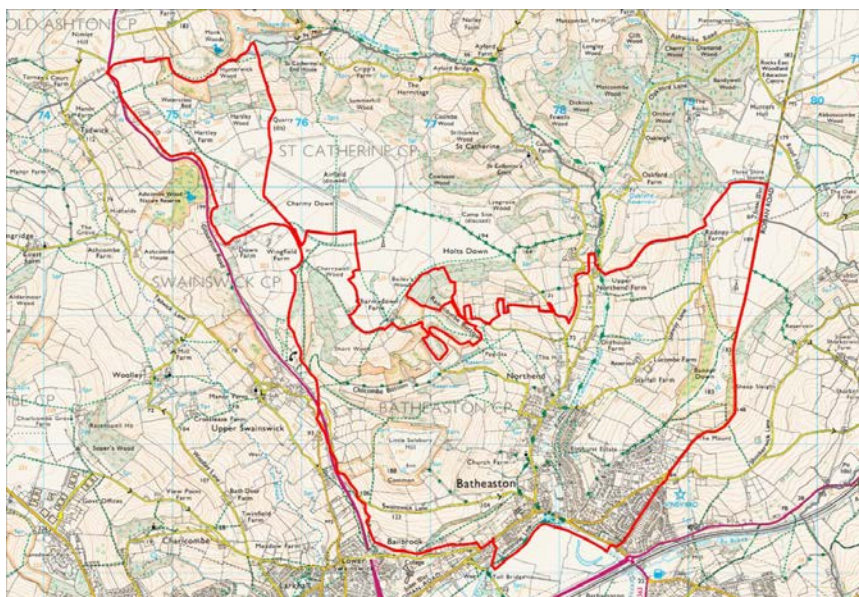
Decision Regarding the Application for Designation of Batheaston Neighbourhood Area under section 61 (G) of the Town and Country Planning Act (as amended)

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: 19th March 2013