

NOTIFICATION OF DECISION REGARDING THE APPLICATION FOR DESIGNATION OF MARLBOROUGH NEIGHBOURHOOD AREA UNDER SECTION 61G OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED

APPLICANT:

Marlborough Town Council

APPLICATION:

Application for the Designation of Marlborough Neighbourhood Area

Pursuant to the Wiltshire Council constitution and in particular Part 3B the Director for Economic Development and Planning within whose remit Spatial Planning falls is authorised to consider the area designation applications for Neighbourhood Plans and if appropriate approve applications.

DECISION:

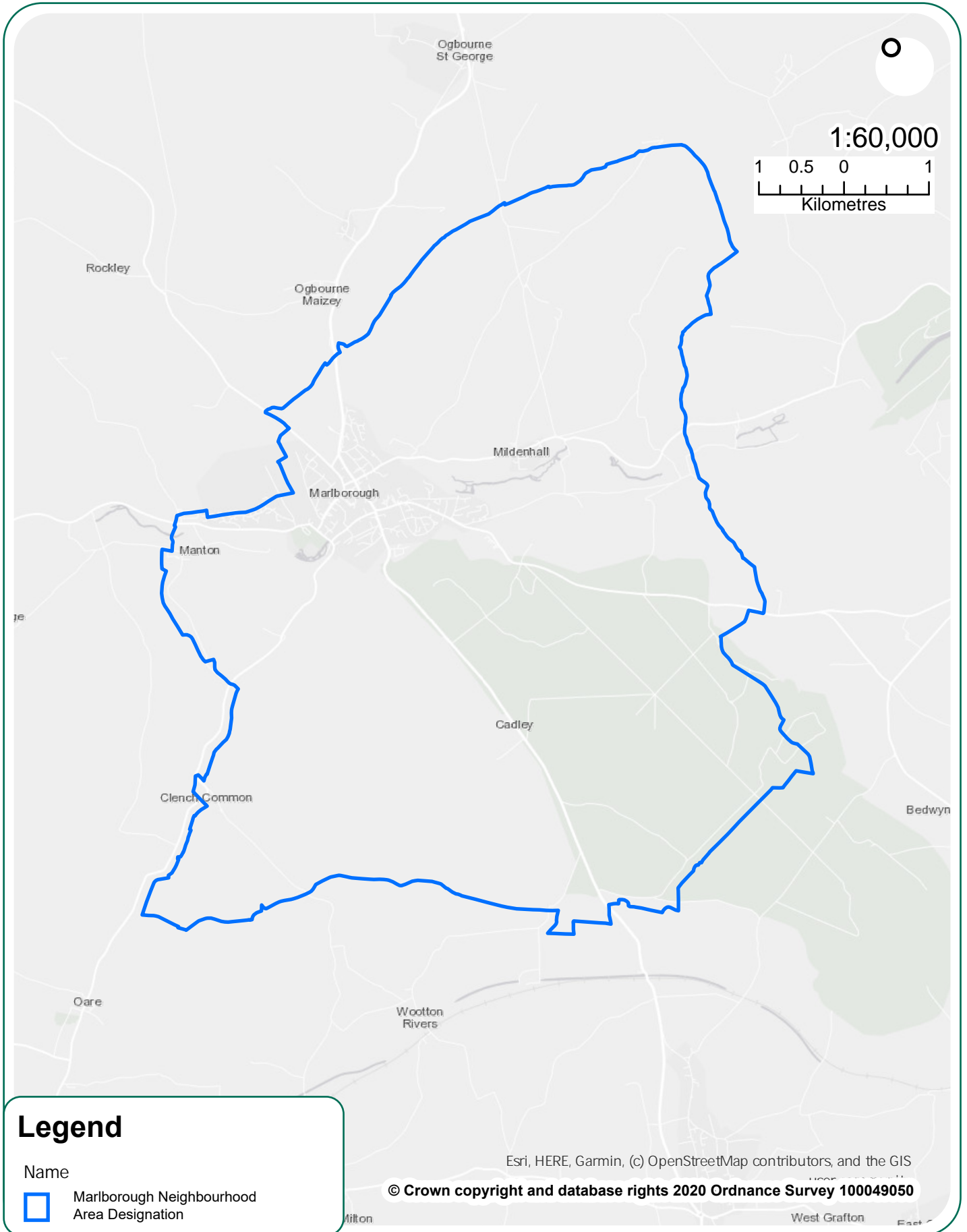
The Designation of Marlborough Neighbourhood Area is approved in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. The reasons for this decision are set out in the accompanying 'Neighbourhood Area Designation Application Report'.

Signed:

Sam Fox

Sam Fox
Director for Economic Development and Planning
Wiltshire Council

Dated: 18.11.2020



WILTSHIRE COUNCIL

NEIGHBOURHOOD AREA DESIGNATION APPLICATION REPORT – OFFICERS DECISION ACTING UNDER DELEGATED POWERS

Date of application	02.10.2020
Date of decision	18.11.2020
Name of proposed designation	Marlborough Neighbourhood Area
Community Area	Marlborough Community Area

1. INTRODUCTION

1.1 Pursuant to the Wiltshire Council constitution and in particular Part 3B the Director for Economic Development and Planning within whose remit Spatial Planning falls is authorised to consider the area designation applications for Neighbourhood Plans 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 Marlborough Town Council forms 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 Marlborough Neighbourhood Area, with consent forms signed by Mildenhall and Savernake Parish Councils. The application is for the whole parish areas of Marlborough, Mildenhall and Savernake 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 Marlborough 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 includes the whole parish areas of; Marlborough, Mildenhall and Savernake. The parishes all share common landscapes and sit entirely within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Designation of the Neighbourhood Area would allow for a neighbourhood plan to allocate appropriate sites for housing development as well as considering provisions for local business, tourism and protection of wildlife and countryside.
- 5.2 The proposed area for designation which encompasses the whole of each parish area is considered appropriate. As it will enable an emerging Neighbourhood Plan to allocate non-strategic development sites across the plan area in order to sustain the viability of the existing communities.
- 5.3 The specified area falls completely within the Council's area.
- 5.4 The application for designation as a Neighbourhood Area was publicised for a period of 6 weeks and 3 days from Friday 2nd October 2020 until Monday 16th November 2020.
- 5.5 Three responses were received within the consultation period.
- 5.6 In applying for the designation, all of the parish councils concerned (see paragraph 2.2) have done so based on the understanding that the referendum will take place across the whole area. Subsequently, the steering group held a meeting and all three parishes believe that a multi-parish approach is the most appropriate way to jointly deliver a Neighbourhood Plan (minutes of meetings attached to the application) so that its policies will truly reflect the needs and aspirations for the area.

6. CONCLUSION

- 6.1 The reasoning above shows support for the designation of Marlborough 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 A copy of this report will be sent to the qualifying body, Marlborough Town Council.

7. **DECISION**

7.1 **The Designation of the Marlborough 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.

Signed:

Sam Fox

Sam Fox
Director for Economic Development and Planning
Wiltshire Council

Dated: 18.11.2020