

NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012  
DESIGNATION OF **LECKHAMPTON WITH WARDEN HILL** AS A NEIGHBOURHOOD  
AREA

**Application**

This Application for Designation of a Neighbourhood Area is made under Section 61G of the Town and Country Planning Act 1990 and Regulation 5 (1), Part 2 SI. 2012 No. 637

**Purpose**

The purpose of the application is to enable Leckhampton with Warden Hill Parish Council to undertake neighbourhood planning, and in particular to prepare a Neighbourhood Plan further to the Local Green Space Application and Neighbourhood Plan Concept submitted to Cheltenham Borough Council in August 2013.

**Area**

The Neighbourhood Area defined by the Parish Council for the purposes of neighbourhood planning is the whole of the parish of Leckhampton with Warden Hill. The Neighbourhood Area will sit comfortably with the electorate

Shown on the **Designation Map** (NP1) - attached.

**Statement of suitability of defined area**

The entirety of the parish of Leckhampton with Warden Hill is the area most appropriate to be designated as a neighbourhood area for planning purposes, as it is a recognised and clearly defined area. The parish area has clear physical and social identity as well as community focus. It has residential areas, community facilities, open spaces, and abuts the Area of Outstanding Natural Beauty. The parish area includes, and is surrounded by, semi-rural countryside areas of open spaces and other areas including areas of special landscape value.

The area is consistent with the concept of a neighbourhood area as intended by the Act and all of the area can be included in the Neighbourhood Plan despite the inclusion of part of the area as a strategic allocation in the Cheltenham, Tewkesbury and Gloucester Joint Core Strategy Submission Document.

**Statement of suitability of Leckhampton with Warden Hill Parish Council**

Leckhampton with Warden Hill Parish Council is a 'relevant body' for the purposes of Section 61G of the 1990 Act, and is therefore qualified to undertake neighbourhood planning. It is a democratically elected body incorporated under statute and representing the whole community within Leckhampton with Warden Hill.

Leckhampton with Warden Hill Parish Council has long standing experience in working with and representing the local community including dealing with planning matters under the Town and Country Planning Act 1990 and has a well established relationship with the Local

Planning Authority and indeed submitted a Local Green Space Application and Neighbourhood Plan Concept Plan to Cheltenham Borough Council in August 2013.

Leckhampton with Warden Hill Parish Council is committed to ensuring that future planning within this area reflects the community's wishes and as such wants to work co-operatively with Cheltenham Borough Council and other statutory bodies and to fully engage with other organisations and interests.

Annex. SI. 2012 No. 637 in force 6th April 2012.  
Neighbourhood Planning (General) Regulations 2012

## **Extract. PART 2 Neighbourhood Areas**

### **Application for designation of a neighbourhood area**

5.(1) Where a relevant body<sup>(12)</sup> submits an area application to the local planning authority it must include—

- (a) a map which identifies the area to which the area application relates;
- (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

(2) A local planning authority may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.

### **Publicising an area application**

6. As soon as possible after receiving an area application from a relevant body, a local planning authority must publicise the following on their website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application relates—

- (a) a copy of the area application;
- (b) details of how to make representations; and
- (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.

### **Publicising a designation of a neighbourhood area etc**

7.—(1) As soon as possible after designating a neighbourhood area, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area—

- (a) the name of the neighbourhood area;
- (b) a map which identifies the area; and
- (c) the name of the relevant body who applied for the designation.

(2) As soon as possible after deciding to refuse to designate a neighbourhood area, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the refusal to the attention of people who live, work or carry on business in the neighbourhood area —

- (a) a document setting out the decision and a statement of their reasons for making that decision (“the decision document”); and
- (b) details of where and when the decision document may be inspected.

[http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf) ©Crown Copyright

## **THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 No. 637**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

### **2. Purpose of the instrument**

2.1 The Regulations set out the procedure for the designation of neighbourhood areas and neighbourhood forums and for the preparation of neighbourhood development plans and neighbourhood development orders (including community right to build orders). A separate instrument will be brought forward in relation to neighbourhood planning referendums.

### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 The Regulations are the first exercise of the powers in sections 61E to G, 61L and 61M of the Town and Country Planning Act 1990 (“the 1990 Act”) and sections 38A and B of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”).

3.2 As the Regulations make amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, we have taken this opportunity to correct a number of typographical errors in that instrument, including four points which the JCSI reported on in its 30<sup>th</sup> Report (2010-12 session).

### **4. Legislative Context**

4.1 Chapter 3 of Part 6 of the Localism Act 2011 creates a new neighbourhood planning regime in England mainly by inserting new provisions into the 1990 Act and the 2004 Act (see Part 1 of Schedule 9, and Schedules 10 and 11, for the provisions inserted into the 1990 Act, and Part 2 of Schedule 9 for the provisions inserted into the 2004 Act).

4.2 The 1990 Act provides that within a designated neighbourhood area a parish council or a designated neighbourhood forum may propose a neighbourhood development order and Schedule 4B (as read with the modifications in Schedule 4C for community right to build orders) sets out the framework for making such orders.

4.3 The 2004 Act provides that within a designated neighbourhood area a parish council or a designated neighbourhood forum may propose a neighbourhood development plan and Schedule 4B to the 1990 Act (as applied, with modifications, by section 38A of the 2004 Act) sets out the framework for making such plans.

4.4 The Regulations build on the statutory frameworks in the 1990 Act and the 2004 Act in relation to the process for designating neighbourhood areas and neighbourhood forums and the preparation of neighbourhood development plans and neighbourhood development orders.