

# **Cheshire West and Chester Council**

**Delegated report**

**Date: 3 March 2016**

**Neighbourhood application area: Ashton Hayes and Horton-cum-Peel**

**Regulation No. 5 of the Neighbourhood Planning (General) Regulations 2012**

**Date application first publicised: 7 January 2016**

**Area name: Ashton Hayes and Horton-cum-Peel**

**Applicant name: Ashton Hayes Parish Council**

**Ward: Gowy**

**Ward Members: Cllr Eleanor Johnson**

**Case officer: Catherine Morgetroyd**

## **Recommendation:**

### **1 Introduction**

- 1.1 This delegated report relates to the assessment of the application for the designation of the Ashton Hayes and Horton-cum-Peel Neighbourhood Area.
- 1.2 The application for the designation of Ashton Hayes and Horton-cum-Peel Neighbourhood Area was publicised on 7 January 2016. The application was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. It complied with the requirements of the regulations as it included: a map identifying the area to which the area application relates; a statement explaining why the area is considered appropriate to be designated as a Neighbourhood Plan Area; and a statement that the organisation making the area application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990 (as amended).

### **2 Area description**

- 2.1 The proposed Ashton Hayes and Horton-cum-Peel Neighbourhood Area generally follows the area covered by the updated Ashton Hayes and Horton-cum-Peel Parish boundary. It is slightly different as a small part of the Parish is covered by the Kelsall Neighbourhood area, as this was designated before the Parish boundary changed. As such, a small part of

the Ashton Hayes and Horton-cum-Peel Parish Council area is not covered by the Ashton Hayes and Horton-cum-Peel Neighbourhood Area, as it is within the Kelsall Neighbourhood Area. Apart from this, the Neighbourhood Area boundary follows the Parish boundary. The main settlement within the Neighbourhood Area is Ashton Hayes. The area is located within the wider Gowy Ward.

- 2.2 A map of the proposed Ashton Hayes and Horton-cum-Peel Neighbourhood Area is attached to this report.

### **3 Publicity**

- 3.1 The application was publicised by public notice in the Chester Chronicle on 7 January 2016.
- 3.2 Details of the application were also published on the Council's website from 7 January – 18 February 2016.
- <http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.
- 3.3 Copies of a notice advertising the application were placed within the community shop, outside the Parish Rooms and at the end of Kelsall Road by Lane End Farm during the consultation period.
- 3.4 Local Councillors were informed of the application with the call-in cut off date of 25 February 2016. Members were advised that should they wish the application to be considered by Cabinet Member with advice from the Local Plan Working Group, they must notify the case officer by email or letter before the call-in cut off date.
- 3.5 The six week publicity period ran from 7 January to 18 February 2016.
- 3.6 The neighbouring parish councils of Mouldsworth, Manley, Delamere and Oakmere, Kelsall, Tarvin and Barrow were notified of the application by letter on 7 January 2016.
- 3.7 The publicity arrangements complied with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.
- 3.8 The following internal consultees were notified: Legal, Regeneration, Localities (rural), Green Space Manager, Energy and Carbon Growth, Development Planning, Committees and Elections, Arts and Festivals, Housing Strategy.
- 3.9 The Council received representations from:

Cllr Eleanor Johnson – Fully supports the changes.

Cllr Margaret Parker – No objections.  
Cllr Ralph Oultram – Supports the application.  
Cllr Stuart Parker – Supports the application.  
Cllr John Leather – Supports the changes.  
United Utilities – No comments at this stage, but would like to be kept informed and consulted with further should the designation be approved.  
Natural England – No objections to the Neighbourhood Area. Provided standard advice on information sources, potential environmental risks and opportunities.  
Environment Agency – No comments.  
Historic England – No comments.  
National Grid – No objections to the Neighbourhood Area. Provided advice stating that they have no record of any electricity and gas transmission apparatus (high voltage electricity assets and high pressure gas pipelines or intermediate and high pressure apparatus) within the Neighbourhood Area. Also provided key resource information and contacts, particularly in relation to the gas distribution network.  
The Council's Legal Services team also responded to say that they had reviewed the application. No objections were raised.

#### **4 Issues and assessment**

##### **4.1 The main issues in determining this application are:**

- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap).
- Confirmation that the applicant is a 'relevant body' to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and Regulation 5(c) of the 2012 Regulations (i.e. a parish council or Neighbourhood Forum).
- Assessment of whether the extent of the Neighbourhood Area is appropriate.

##### **4.2 A previous application had been made by Ashton Hayes Parish Council for the Ashton Hayes and Horton-cum-Peel Neighbourhood Area. This area was designated on 6 June 2013. This new application has been made for the Ashton Hayes and Horton-cum-Peel Neighbourhood Area due to boundary changes to the Parish through the Community Governance Review. The changes meant that the designated Neighbourhood Area no longer matched the new Parish Council area. The new Neighbourhood Area matches the new Parish Council area, apart from the small section of the new Parish Council area which is already covered by Kelsall Neighbourhood Area. The new Neighbourhood Area will replace the existing Neighbourhood Area.**

- 4.3 Ashton Hayes and Horton-cum-Peel Parish Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and Regulation 5(c) of the 2012 Regulations.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Ashton Hayes and Horton-cum-Peel Parish Council (apart from the small area already covered by Kelsall Neighbourhood Area).
- 4.5 It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

## **5 Conclusion**

- 5.1 The application for the Ashton Hayes and Horton-cum-Peel Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and no representations were received.
- 5.2 The Ashton Hayes and Horton-cum-Peel Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Ashton Hayes and Horton-cum-Peel Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Ashton Hayes and Horton-cum-Peel Parish Council (apart from the small area already covered by Kelsall Neighbourhood Area) and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

## **6 Decision**

- 6.1 That the Ashton Hayes and Horton-cum-Peel Neighbourhood Area is approved and is formally designated.
- 6.2 The reasons for this decision are that the Ashton Hayes and Horton-cum-Peel Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Ashton Hayes and Horton-cum-Peel Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Ashton Hayes and Horton-cum-Peel Parish Council (apart from the small area already covered by Kelsall Neighbourhood Area) and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

- 6.3 The Senior Manager - Planning and Strategic Transport hereby exercise their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Ashton Hayes and Horton-cum-Peel Parish Council and relevant local Councillors.
- 6.5 In accordance with Regulation 7 of the 2012 Regulations, as soon as possible after the date of the decision the Council will publish the following on its website:
- a) Name of the area
  - b) Name of body who applied
  - c) Decision and reasons
  - d) Details of where the decision can be inspected
  - e) Map of Neighbourhood Plan Area

**7 Attachments**

- 7.1 Copy of application form and map of Ashton Hayes and Horton-cum-Peel Neighbourhood Area



**Signed**

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**Senior Manager - Planning and Strategic Transport**

**Date**

**03/03/16**