

Cheshire West and Chester Council

Delegated report

Date: 22 August 2023

Neighbourhood application area: Blacon

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

Date application first publicised: 25 May 2023

Area name: Blacon Neighbourhood Area

Applicant name: Blacon Neighbourhood Alliance

Ward: Blacon Ward

Ward Members: Cllr Carol Gahan, Cllr Sheila Little, Cllr Alan Smith

Case officer: Catherine Morgetroyd

Recommendation: Approve and designate Blacon Neighbourhood Area

1. Introduction

- 1.1. This delegated report relates to the assessment of the application for the designation of the Blacon Neighbourhood Area.
- 1.2. The application for the designation of Blacon Neighbourhood Area was publicised on 25 May 2023. 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).
- 1.3. A separate application for the Blacon Neighbourhood Forum has been submitted and publicised at the same time as the Neighbourhood Area application. The decision on the Neighbourhood Forum will be set out in a separate delegated report.

2. Area description

- 2.1. The Neighbourhood Area covers the urban area of Blacon and is bounded by:

- The commercial area of Sealand Road and Greyhound Retail Park to the South.
- The Welsh border to the West.
- The boundary with Saughall and Mollington Ward, Upton Ward and Chester City and The Garden Quarter Ward along the North and East.

2.2 The proposed Neighbourhood Area does not include any existing parished areas and has a clear boundary with the Saughall and Mollington Ward, Upton Ward and Chester City and The Garden Quarter Ward.

2.3 The application area excludes the commercial areas at Greyhound Retail Park and Sealand Road.

2.4 A map of the proposed Blacon Neighbourhood Area is attached to this report.

3. Publicity

3.1. The Neighbourhood Forum application was publicised by public notice in the Chester Standard (print and online copies) on 25 May 2023.

3.2. Details of the application were published on the Council's website from 25 May 2023 onwards at <http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.

3.3. Copies of the public notice were also placed on publicly accessible notice boards in Blacon. A copy of the notice was also displayed at the Blacon Library, The Parade Enterprise Centre, 14 The Parade, Blacon, Chester CH1 5HN.

3.4. Local councillors were informed of the application and advised to contact the case officer for further information.

3.5. The six-week publicity period ran from 25 May 2023 – 7 July 2023.

3.6. The neighbouring parish councils of Saughall and Shotwick Park, Mollington and Upton-by-Chester and District were notified of the application by email on 25 May 2023. General consultees and individuals and groups interested in neighbourhood planning were also notified via email on 25 May 2023.

3.7. The publicity arrangements complied with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.

3.8. The following internal consultees were notified via email: Public Rights Of Way, Localities, Housing, Regulatory Services, Regeneration Programme Manager, Public Realm and Play, Education, CIL Team, Children's Services, Green Space Project Officer, Emergency Planning, Waste, Economic Development, Culture Advisor, Property team, Economic Growth, Business Growth, Total Environment (Conservation Areas and Listed Buildings), Education, Highways, Landscape, Environment Commissioner / Waste, Strategic Transport, Estates, Archaeology, Open Space,

Digital Sector Specialist, Planning Development Management, Transport (planning), Public Health, Communities, Culture and Libraries, Place Operations, Construction and Development, Legal and Climate change.

3.9. The Council received representations from:

- Natural England – No comments on the suitability of the proposed plan area or the proposed neighbourhood planning body. An annex to the consultation response sets out information sources and highlights some potential environmental risks and opportunities that may be present in neighbourhood plan areas.
- The Coal Authority – No comments.
- Canal and River Trust – No specific comments on the proposed designations, but noted that the easternmost extent of the proposed designated area includes a small section of the Shropshire Union Canal, which is owned and managed by the Trust. Offered to work with the neighbourhood forum on any canal related policies that may be included in the neighbourhood plan and referenced guidance documents.
- Historic England – No comments.
- Here and Now (Social Enterprise in Blacon) – objects to the designation on the grounds that the group has been mentioned without their consent and knowledge in the Question 5 Statement submitted by the Blacon Neighbourhood Alliance as part of the application to form a neighbourhood forum.
- Sport England – No objection to the designations. Provided general information on the role of planning in creating healthy, inclusive communities and the factors and guidance to take into account in relation to sports and playing fields when preparing the neighbourhood plan.
- United Utilities – No objection to the designations. Note that United Utilities is the water undertaker for only a small number of properties within the neighbourhood plan area, but strategic water supply infrastructure also passes through the area and any development proposals will need to have regard to this. Request early dialogue in relation to any site-specific allocations and ask that United Utilities assets are fully considered in any proposals.
- CWaC Property Team – No objection to the designations. Requested to be consulted at the draft stage.
- CWaC Total Environment – No objection to the designations. Requested to be consulted at the draft stage.

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. No other application has previously been made covering all or part of this area and there are no existing designated Neighbourhood Areas covering, or close to the boundary of the proposed Neighbourhood Area.

4.3. Blacon Neighbourhood Area is unparished. Blacon Neighbourhood Forum is in the process of being established and will be designated at the same time as the Neighbourhood Area. Blacon Neighbourhood Forum is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

4.4. The only objection was from Here and Now on the basis that they have been mentioned in the application form without their consent or knowledge. They wished to make it clear that they do not support or endorse Blacon Neighbourhood Alliance, but they did not raise any reasons why the Neighbourhood Area should not be designated.

4.5. The proposed Blacon Neighbourhood Area is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

5. Conclusion

5.1. The application for the Blacon Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and 9 representations were received, the majority of which had no comment or supported the designation. There was one objection, which stated that the group has been mentioned without their consent and knowledge in the Question 5 Statement submitted by the Blacon Neighbourhood Alliance as part of the application to form a neighbourhood forum. This objection does not raise any specific issues with the Neighbourhood Area or whether it meets the requirements in the regulations.

5.2. The Blacon Neighbourhood Area is considered appropriate because:

- 5.2.1. No other applications have been made for Neighbourhood Areas covering all or part of the area.
- 5.2.2. Blacon Neighbourhood Forum is the relevant body to undertake Neighbourhood Planning.
- 5.2.3. The proposed Neighbourhood Area does not include any existing parished areas and clearly excludes the southern part of Blacon Ward, which is made up of Greyhound Retail Park and the Sealand Road commercial area.
- 5.2.4. The Neighbourhood Area covers the urban area of Blacon and is clearly bounded by established geographical features:
 - The commercial area of Sealand Road and Greyhound Retail Park to the South.
 - The Welsh border to the West.

- The boundary with Saughall and Mollington Ward, Upton Ward and Chester City and The Garden Quarter Ward along the North and East.

6. Decision

6.1. That the Blacon Neighbourhood Area is approved and is formally designated.

6.2. The reasons for this decision are that the Blacon Neighbourhood Area is considered appropriate, for the reasons explained in paragraph 5.2.

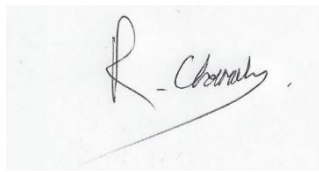
6.3. The Head of Planning hereby exercise their delegated authority to designate the Blacon Neighbourhood Area.

6.4. A copy of this note will be sent to Blacon 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:

- Name of the area
- Name of body who applied
- Decision and reasons
- Details of where the decision can be inspected
- Map of Neighbourhood Plan Area

7. Attachments: Copy of application form and map of Blacon Neighbourhood Area



Signed

.....

Head of Planning

Date

22 August 2023

Application to designate a Neighbourhood Area

Town and Country Planning Act 1990 (as amended) Neighbourhood Planning (General) Regulations 2012

Please note that the information provided on this application form may be published on the Authority's website.

If completing by hand, please use block capitals and black ink.

1) Applicant contact details

(representative from Parish Council or Neighbourhood Forum)

Title and full name

MR BRIAN MCMANUS

Address and postcode

[REDACTED]:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Email address

[REDACTED]

2) 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 Regulation 5(c) of the 2012 Regulations (i.e. a Parish Council or Neighbourhood Forum). (*Please select one answer*)

Yes ☒ No ☐

Name of Parish Council or Neighbourhood Forum

BLACON NEIGHBOURHOOD ALLIANCE

If a Neighbourhood Forum, has this been designated yet? (please select one answer)

Yes ☐

No - but application submitted ☒

No - application not yet submitted ☐

3) Name of Neighbourhood Area

Please give the name by which your Neighbourhood Area will be formally known.

BLACON NEIGHBOURHOOD AREA

4) Extent of the area

Please indicate below and attach an OS plan showing the intended extent of the area.

(please select one answer)

Area not covered by a Parish ☒

Whole Parish boundary area ☐

Part of one Parish ☐

Includes more than one Parish (please complete section 6 below) ☐

A map showing the area to which the application relates has been attached. ☒

5) Intention of the Neighbourhood Area

Please indicate which of the following you intend to undertake with your Neighbourhood Area.

(please select all that apply)

- | | |
|---------------------------------------|--|
| Neighbourhood Development Plan | <input checked="checked" type="checkbox"/> |
| Neighbourhood Development Order | <input type="checkbox"/> |
| Community Right to Build | <input type="checkbox"/> |

6) Additional Parish details (if applicable)

Please complete this section if the proposed Neighbourhood Area includes more than one Parish.

Please provide details of the additional area covered and the name(s) of the relevant Parish/Parishes.

N/A

If the neighbourhood area includes the whole or any part of the area of another Parish council, the lead Parish council is authorised to act in relation to the neighbourhood area only if the other Parish council(s) have given their consent.

Please provide the name and signature of a representative from each relevant Parish council to confirm that the Parish council have provided formal agreement and are happy for you to act on their behalf.

N/A

Cheshire West and Chester Council

For all applications

Please describe below why you consider that the extent of the neighbourhood area is appropriate.

If possible, please provide a copy of the minutes of the Parish Council meeting(s) at which it was agreed that the whole/part of the Parish council area could be included in the Neighbourhood Area and that the applicant Parish Council were authorised to act as the lead authority on Neighbourhood Planning work.

The Map for the neighbourhood area is appropriate as it covers the existing Ward areas of the Blacon area, which is an acknowledged Boundary, but excludes the business area at Greyhound Park

7) Declaration

I hereby apply to designate a Neighbourhood Area as described on this form and the accompanying plan.

Name

MR BRIAN MCMANUS

Signature



Date

15 APRIL 2023

