

Cheshire West and Chester Council

Delegated report

Date: 3 April 2017

Neighbourhood application area:

Central Gowy (South)

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

Applicant name:

Hargrave and Huxley Parish Council

Ward:

**Tattenhall
Tarvin and Kelsall**

Ward Members:

**Cllr Mike Jones (Tarporley)
Cllrs Hugo Deynem and John
Leather (Tarvin and Kelsall)**

Case officer:

Rosie Morgan

Recommendation:

Approval

1 Introduction

- 1.1 This delegated report relates to assessment of the application for designation of the Central Gowy (South) Neighbourhood Area.
- 1.2 A neighbourhood area application for Huxley and Foulk Stapleford was initially approved in October 2013. Preparation of the neighbourhood plan for this area, which was subsequently renamed Central Gowy (South), then progressed. In 2015, the Community Governance Review resulted in changes to Parish Councils and their boundaries in this area. A problem arose when it emerged through the preparation and subsequent examination of the plan that not all of the parish councils which, following the 2015 Community Governance Review, were covered by the neighbourhood area, were content to give their consent. As a result, the draft plan did not meet the legislative requirements and was unable to progress beyond the examination stage.
- 1.3 This revised neighbourhood area application seeks to revise the area to better reflect the new parish boundaries and to exclude those areas for which consent for the plan had been withheld.

2 Area description

- 2.1 The revised Central Gowy (South) Neighbourhood Area generally follows the area covered by Hargrave and Huxley Parish boundary, but excludes a small area to the south which falls within the Tattenhall and District Neighbourhood Area. The revised area also includes parts of Tarvin and Duddon parishes.
- 2.2 Central Gowy (South) Neighbourhood Area includes the settlements of Hargrave, Huxley and Burton. The area is located within the wider Tarvin and Kelsall and Tattenhall wards.
- 2.3 A map of the proposed Central Gowy (South) Neighbourhood Area is attached to this report.

3. Application and Publicity

- 3.1 The application was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012 (as amended). 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 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).
- 3.2 The application was publicised on 9 February 2017 for a six week public consultation period, as required by the Neighbourhood Planning (General) (Amendment) Regulations 2015. The application was publicised by public notice in the Chester Chronicle on 9 February 2017. Details of the application were also published on the Council's website from 9 February – 23 March 2017 at:

<http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.
- 3.3 Copies of a notice advertising the application were placed on the Parish Council's noticeboards in Hargrave and Huxley during the consultation period.
- 3.4 Local Councillors were informed of the application with the call-in cut off date of 30 March 2017. 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 9 February to 23 March 2017.

- 3.6 The neighbouring parish councils of Tattenhall and District, Handley and District, Waverton, Christleton, Tarvin, Duddon, Clotton Hoofield, Tiverton and Tilstone Fearnall and Beeston were notified of the application by email on 9 February 2017.
- 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:
- Tarvin Parish Council – confirmed that the Council's view, as resolved on 24th October 2016, giving consent to Hargrave and Huxley Parish Council to prepare a neighbourhood plan including part of Tarvin parish, has not changed.
 - Duddon Parish Council – confirmed that the Council's view, as resolved on 27th February 2017, is that Duddon Parish Council agreed to give consent to Hargrave and Huxley Parish Council to act as lead parish for the Central Gowry (South) Neighbourhood Development Plan, which includes the area of Burton now included within the Duddon Parish boundary.
 - Tattenhall and District Parish Council – expressed their appreciation for the re-designation of the area and fully supports the new boundary which removes Tattenhall and District Parish Council land from its area.
 - Health and Safety Executive – no further comments to make and their advice issued on 4th July 2016 (on the submission draft plan) still remains.
 - Historic England – No comments on the revised boundary. General advice provided on 2nd November 2015 on the pre-submission Neighbourhood Plan remains the same.
 - Natural England – No specific comments on the revised neighbourhood area. Provided standard advice on environmental information sources, potential environmental risks and opportunities.

- The Coal Authority – no specific comments.

4 Issues and assessment

4.1 The main issues in determining this application are:

- Confirmation that the applicant is a 'relevant body' to undertake neighbourhood planning in that area in accordance with section 61G of the 1990 Act (i.e. a parish council or Neighbourhood Forum).
- Confirmation that consent has been obtained from those parish councils whose boundaries are partly covered by the area.
- Confirmation that no other 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).
- Assessment of whether the extent of the Neighbourhood Area is appropriate.

4.2 Hargrave and Huxley Parish Council is a relevant body to undertake neighbourhood planning in that area in accordance with section 61G of the 1990 Act.

4.3 As described above, this revised application has been made for the Central Gowy (South) Neighbourhood Area following boundary and governance changes made in the 2015 Community Governance Review. The changes meant that the previously designated Neighbourhood Area no longer matched the new Parish Council area and included parts of other parishes (Tarvin, Duddon and Tattenhall & District).

4.4 Legislation¹ allows a neighbourhood area to include all or part of the area of another parish council area, but the parish council which is preparing the plan is authorised to act in relation to the neighbourhood area only if the other parish council(s) have given their consent. Crucially, Tattenhall and District Parish Council did not provide consent to Hargrave and Huxley Parish Council to produce a neighbourhood plan for the part of the original neighbourhood area that fell within their parish. Without their consent, the neighbourhood plan could not meet the legislative requirements and could not progress.

4.5 The new Neighbourhood Area generally matches the new Hargrave and Huxley Parish Council area. It overcomes the problem of withheld consent by no longer including any areas within Tattenhall and District Parish

¹ Section 61F of the Town and Country Planning Act 1990, as inserted by Schedule 9 of the Localism Act 2012, Clause 2

Council boundary. The revised area includes parts of Tarvin and Duddon parishes, with those parish councils' consent. It excludes areas to the south of the new Hargrave and Huxley Parish Council area which are already covered by the designated Tattenhall and District Neighbourhood Area.

- 4.6 As described above, a previous application has been made covering the majority of this area. However, the new Neighbourhood Area will replace the Neighbourhood Area which was previously designated on 7 October 2013. There is therefore no overlap between designated areas.
- 4.7 The Neighbourhood Area covers the majority of Hargrave and Huxley Parish Council area, excluding only a small area which is within the designated Tattenhall & District Neighbourhood Area. It also includes parts of Tarvin and Duddon parishes which are appropriate to include because they have a similar rural character. Consent has been granted by those parishes for Hargrave and Huxley Parish council to prepare a plan covering these areas.
- 4.8 It is therefore considered that the proposed area is appropriate for the purposes of preparing a Neighbourhood Plan.

5 Conclusion and decision

- 5.1 The application for the revised Central Gowy (South) Neighbourhood Area has complied with the requirements of the Regulations. Publicity has been carried out as required.
- 5.2 The decision is made that the Central Gowy (South) Neighbourhood Area is approved and is formally designated.
- 5.3 The reasons for this decision are that the Central Gowy (South) Neighbourhood Development Plan Area is considered appropriate because:
- Hargrave and Huxley Parish Council is a 'relevant body' to undertake Neighbourhood Planning.
 - Consent has been obtained from Duddon and Tarvin parish councils, whose boundaries are partly covered by the area.
 - The revised neighbourhood area will replace the previously designated Neighbourhood Area.
 - The Neighbourhood Plan Area is appropriate for the purposes of preparing a neighbourhood plan.

- 5.4 The Senior Manager - Planning and Strategic Transport hereby exercises their delegated authority to agree the area application.
- 5.5 A copy of this note will be sent to Hargrave and Huxley Parish Council, Tarvin Parish Council, Duddon Parish Council and relevant local ward Councillors.
- 5.6 In accordance with Regulation 7 of the Regulations, as soon as possible after the date of the decision the Council will publish the following on its website:
- a) Name of the Neighbourhood Area
 - b) Map which identifies the area
 - c) Name of the relevant body who applied for the designation

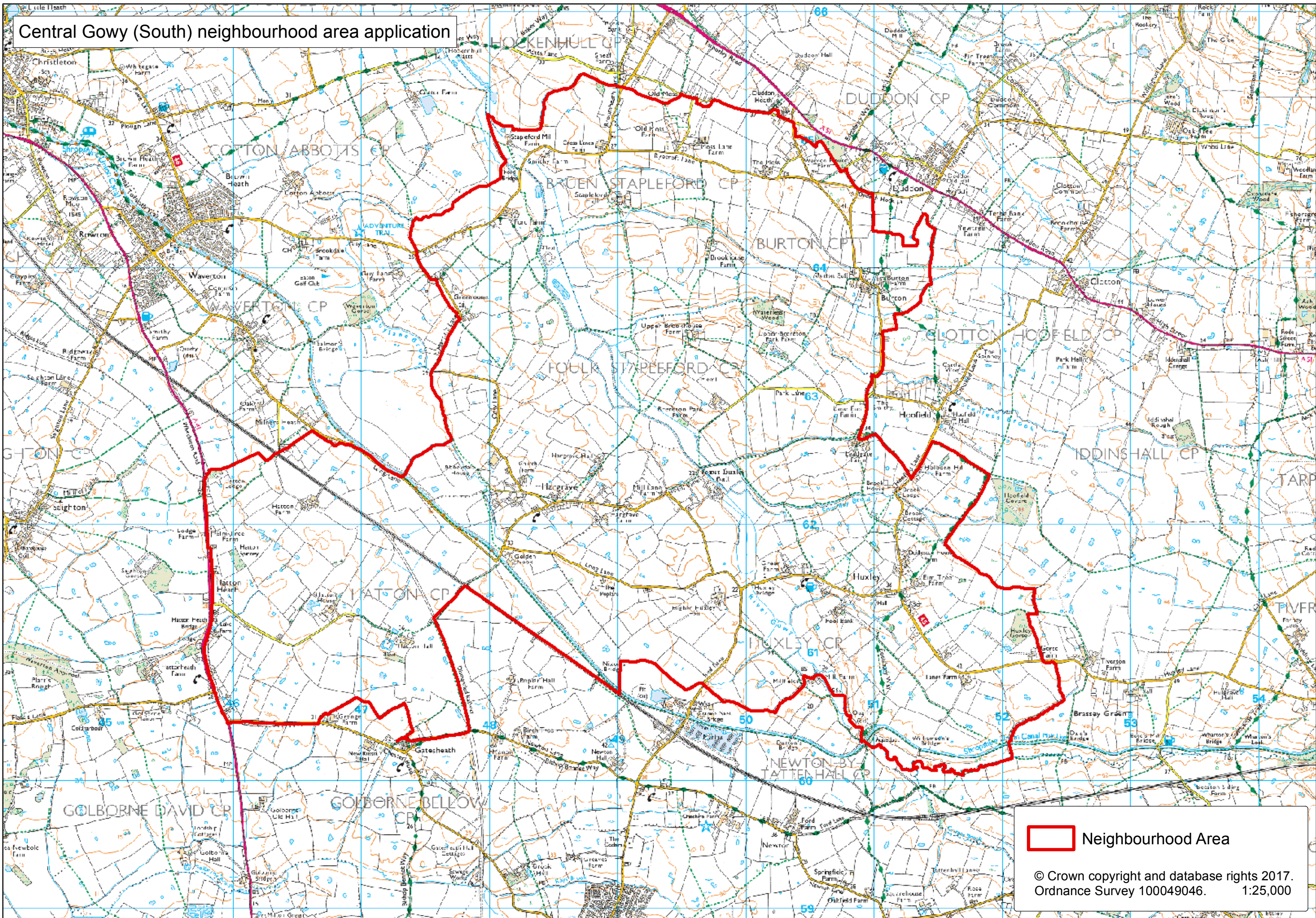
Signed




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Senior Manager - Planning and Strategic Transport

Date 3rd April 2017

Central Gowy (South) neighbourhood area application



 Neighbourhood Area

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