

## **Cheshire West and Chester Council**

**Delegated report**

**Date: 16 March 2018**

**Neighbourhood application area:**

**Kingsley Parish Council**

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

**Area name:**

**Kingsley**

**Applicant name:**

**Kingsley Parish Council**

**Ward:**

**Kingsley**

**Ward Member:**

**Cllr Ralph Oultram**

**Case officer:**

**Rosie Morgan**

**Recommendation:**

**Approval**

### **1 Introduction**

- 1.1 This delegated report relates to assessment of the application for designation of the Kingsley Neighbourhood Area.
- 1.2 The application for the designation of Kingsley Neighbourhood Area was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations). 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 Kingsley Neighbourhood Area is the area covered by Kingsley Parish Council and follows the same boundary. It includes the village of Kingsley, the hamlets of Newton and Waterloo and agricultural land stretching to the River Weaver in the North and Delamere Forest in the south.
- 2.2 A map of the proposed Kingsley Neighbourhood Area is attached to this report.

### **3 Publicity**

- 3.1 The Regulations were amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 that required the Council to determine a Neighbourhood Area application within 8 weeks of publicising it, where the relevant body is a parish council and the area to which the application relates is the whole of the area of the parish council. Within this period, a minimum of a 4 week public consultation period was required.
- 3.2 Further changes to the Regulations (2016 amendment regulation 5A) became effective from 1<sup>st</sup> October 2016, that now mean a local authority must designate a Neighbourhood Area where the following criteria are met:
- The applicant is a parish council
  - The application is for the whole of the parish to be designated as the Neighbourhood Area
  - If any part of the specified area is part of a Neighbourhood Area, none of that Neighbourhood Area extends outside the parish council's area.
- 3.3 In compliance with regulation 5A of the Regulations and Development Management Procedure (Amendment) Regulations 2016, a consultation period on the Kingsley Neighbourhood Area application is not required.

### **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 (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. The proposed Neighbourhood Area shares a boundary with Frodsham Neighbourhood Area to the north west and Norley Neighbourhood Area to the south.
- 4.3 Kingsley Parish Council is a relevant body to undertake neighbourhood planning in that area in accordance with section 61G of the 1990 Act.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Kingsley Parish Council. It is therefore considered to be an appropriate area for which to prepare a Neighbourhood Plan.

## **5 Conclusion & Decision**

- 5.1 The application for the Kingsley Neighbourhood Area complied with the requirements of the Regulations.
- 5.2 The decision is made that the Kingsley Neighbourhood Area is approved and is formally designated.
- 5.3 The reasons for this decision are that the Kingsley Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Kingsley Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Kingsley Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.
- 5.4 The Senior Manager - Planning and Strategic Transport hereby exercise their delegated authority to agree the area application.
- 5.5 A copy of this note will be sent to Kingsley Parish Council and relevant local 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

## **6 Attachments**

- 6.1 Copy of application form and map of Kingsley Neighbourhood Area.

Signed



**Senior Manager - Planning and Strategic Transport**

**Date 29 March 2018**