

Cheshire West and Chester Council

Delegated report

Date: 27 July 2017

Neighbourhood application area:

Lower Peover Parish Council

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

Area name:

Lower Peover

Applicant name:

Lower Peover Parish Council

Wards:

**Shakerley (Cheshire West and Chester)
Chelford (Cheshire East)**

Ward Members:

**Cllr Mark Stocks (Shakerley)
Cllr George Walton (Chelford)**

Case officer:

Melanie Louw

Recommendation:

Approval

1 Introduction

- 1.1 This delegated report relates to assessment of the application for designation of the Lower Peover Neighbourhood Area.
- 1.2 The application for the designation of Lower Peover 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 Lower Peover Neighbourhood Area is the area covered by Lower Peover Parish Council and follows the same boundary. It straddles

the boundary between Cheshire West and Chester and Cheshire East and includes the former townships of Nether Peover (which is now in Cheshire West and Chester) and Peover Inferior (which is now in Cheshire East). The majority of the Neighbourhood Area is located within the Shakerley ward (Cheshire West and Chester), and includes a small area of Chelford ward (Cheshire East).

- 2.2 A map of the proposed Lower Peover 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 1st 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 Lower Peover 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 Peover Superior Neighbourhood Area to the east.
- 4.3 Lower Peover 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 Lower Peover Parish Council. It is recognised that a Neighbourhood plan that crosses the border between two Local Planning Authorities will present additional challenges in plan preparation. However, the Neighbourhood Plan, once made, will provide coherence and consistency to policies at neighbourhood level across the whole of the parish of Lower Peover. Different neighbourhood policies or the absence of such policies over part of the parish area would be confusing for interested parties and reduce the potential of the plan to deliver benefits for the whole parish community.
- 4.5 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 Lower Peover Neighbourhood Area complied with the requirements of the Regulations.
- 5.2 The decision is made that the Lower Peover Neighbourhood Area is approved and is formally designated.
- 5.3 The reasons for this decision are that the Lower Peover Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Lower Peover Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Lower Peover 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 Lower Peover 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 Lower Peover Neighbourhood Area.

Signed



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Senior Manager - Planning and Strategic Transport

Date 27 July 2017