

Cheshire West and Chester Council

Delegated report

Date: 13 June 2022

Neighbourhood application area:

Marston Parish Council

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

Area name:

Marston Parish

Applicant name:

Marston Parish Council

Ward:

Marbury

Ward Members:

**Cllrs Lynn Gibbon, Norman Wright
and Phil Marshall**

Recommendation:

Approval

1 Introduction

An application for designation of the Marston Parish Neighbourhood Area has been made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations). The application complies with the requirements of the Regulations as it includes:

- 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

The proposed Marston Neighbourhood Area is the area covered by Marston Parish Council and follows the same boundaries. It includes the settlements of Marston and Higher Marston. The Neighbourhood Area is located within the Marbury ward. A map of the proposed Marston Neighbourhood Area is attached to this report.

3 Publicity

In accordance with regulation 5A of the Neighbourhood Planning (General) Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, a consultation period on the Marston Parish Neighbourhood Area application is not required. This is because the application meets the following criteria:

- The applicant is a parish council
- The application is for the whole of the parish to be designated as the Neighbourhood Area

In November 2017, a Neighbourhood Plan Area was jointly approved for the two Parishes of Marston and Wincham. The Clerk of Marston Parish Council notified Cheshire West and Chester in October 2021, that Wincham Parish Council no longer wished to pursue a Neighbourhood Plan and that Marston Parish Council would therefore continue with their own Neighbourhood Plan.

Under section 61 G (6) of the Town and Country Planning Act 1990, an authority may, in determining any application, modify designations already made; but if a modification relates to any extent to the area of a parish council, the modification may be made only with the council's consent.

Under section (6A) of the Act, the power in subsection (6) to modify designations already made includes the power:

- (a) to change the boundary of an existing neighbourhood area,
- (b) to replace an existing neighbourhood area with two or more separate neighbourhood areas, and
- (c) to replace two or more existing neighbourhood areas with a single neighbourhood area.

(6B) A neighbourhood area created by virtue of subsection (6A)(b) may have the boundary created by splitting it from the existing area or a different boundary.

The decision to change the boundary of the previously approved Neighbourhood Area under power (6A) (a) above was presented and agreed at a meeting of Wincham Parish Council on 18 January 2022. Members of Wincham Parish Council voted on 2 options:

- Option 1 - change the boundary of an existing neighbourhood area, and
- Option 2 - replace an existing neighbourhood area with two or more separate neighbourhood areas.

Wincham Parish Council resolved to accept Option 1 so that boundaries of the existing Neighbourhood Plan can be redrawn, excluding any of the parish of Wincham.

4 Issues and assessment

The 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.

Having assessed the application it is confirmed that:

- A Neighbourhood Area was approved for Marston and Wincham Parish areas in 2017, however Wincham Parish Council no longer wish to pursue a Neighbourhood Plan for their Parish. Wincham Parish Council have agreed that the boundary of the existing Neighbourhood Area should be re-drawn, to exclude Wincham.
- Marston Parish Council is a relevant body to undertake neighbourhood planning in that area in accordance with section 61G of the 1990 Act.
- The Neighbourhood Area is appropriate as it follows the boundary of the area covered by Marston Parish Council.
- The proposed Neighbourhood Area shares a boundary with one other neighbourhood area within Cheshire West and Chester (Northwich). The Northwich Neighbourhood Area does not overlap with the proposed neighbourhood area for Marston.

It is therefore an appropriate area for which to prepare a Neighbourhood Plan.

5 Conclusion & Decision

The application for the Marston Parish Neighbourhood Area complies with the requirements of the Regulations.

The decision is made that the Marston Parish Neighbourhood Area is approved and is formally designated for the following reasons:

- A Neighbourhood Area was approved for Marston and Wincham Parish areas in 2017, however Wincham Parish Council no longer wish to pursue a Neighbourhood Plan for their Parish. Wincham Parish Council

have agreed that the boundary of the existing Neighbourhood Area should be re-drawn, to exclude Wincham.

- Marston Parish Council is a relevant body to undertake Neighbourhood Planning.
- The Neighbourhood Plan Area follows the boundary of the area covered by Marston Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

The Head of Planning hereby exercises their delegated authority to agree the area application.

A copy of this report will be sent to Marston Parish Council and relevant local Councillors.

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

Copy of the application form, a map of Marston Parish Neighbourhood Area and a copy of the Parish Council minutes dated 9 March 2022.



Signed

Rob Charnley
Head of Planning

Date 13 June 2022