

# **Cheshire West and Chester Council**

**Delegated report**

**Date: 19 April 2024**

**Neighbourhood application area: Tarporley**

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

**Date application first publicised: 18 January 2024**

**Area name: Tarporley**

**Applicant name: Ann Wright**

**Ward: Tarporley**

**Ward Members: Councillor Charles Hardy**

**Case officer: Emma Jones**

**Recommendation: Approval**

## **1 Introduction**

- 1.1 This delegated report relates to the assessment of the application for the designation of the Tarporley Neighbourhood Area.
- 1.2 The application for the designation of Tarporley Neighbourhood was publicised on 18 January 2024. 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 Tarporley has an existing Neighbourhood Plan called Tarporley Neighbourhood Plan, which was made in June 2016. In 2015, Cheshire West and Chester Borough Council undertook a Reorganisation of Community Governance<sup>1</sup>, which resulted in changes to Tarporley parish boundary. Therefore, the made plan for Tarporley does not reflect the

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<sup>1</sup> <https://www.cheshirewestandchester.gov.uk/documents/your-council/voting-and-elections/community-governance/reorganisation-order-documents/scanned-documents/Tarporley-Cheshire-West-and-Chester-Community-Governance-Order-2015.pdf>

current parish boundary. The Parish Council intend to review the Neighbourhood Plan and this area application seeks to better align the boundary for the review plan.

## **2 Area description**

- 2.1 The proposed Tarporley Neighbourhood Area is the area covered by Tarporley Parish Council and follows the same boundary, excluding those areas already included in the Beeston, Tiverton & Tilstone Fearnall Neighbourhood Area. It includes the settlements of Rhuddall Heath and the area is located within the wider Tarporley Ward.
- 2.2 The Tarporley Parish is located to the east where the A49 and A51 cross paths. It is located within the rural area, between Chester and Winsford. The built up settlement of Tarporley is identified in the Local Plan (Part One) policy STRAT 8 as a Key Service Centre, with the settlement boundary identified in the Local Plan (Part Two) policy R 1.
- 2.2 A map of the proposed Tarporley Neighbourhood Area is attached to this report.

## **3 Publicity**

- 3.1 The application was publicised by public notice in the Thursday 18 January 2024 in the Chester Chronicle newspaper.
- 3.2 Details of the application were also published on the Council's website from Thursday 18 January 2024.  
  
<http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.
- 3.3 Copies of a notice advertising the application were placed in the noticeboard on High Street, Tarporley from 18 January 2024. In addition, hard copies were available to view at Tarporley library.
- 3.4 The six week publicity period ran from 18 January 2024 to 29 February 2024. Due to an issue with the email notifications, the consultation period, was extended to 12 April 2024.
- 3.5 Local Councillors were informed of the application and consultation with a response required by Thursday 12 April 2024. Members were advised to contact the Case Officer directly if they had any questions or concerns. No issues or concerns were raised.
- 3.6 The neighbouring parish councils of Rushton, Utkinton, Tiverton and Tilstone Fearnall, Clotton Hoofield incorporating Iddinshall were notified of the application by email on 1 March 2024.

- 3.7 The publicity arrangements complied with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.
- 3.8 The following internal consultees were notified:
- Public Rights of Way Officer
  - Localities
  - Housing
  - Regulatory Services
  - Regeneration
  - Environmental Commissioning
  - Planning and Placemaking
  - Education
  - Emergency Planning Team
  - Economic Development
  - Property
  - Highways
  - Transport
  - Environmental Protection
  - Public Health
  - Climate Change Team
  - Legal
- 3.9 The Council received six external representations from the Coal Authority, National Highways, United Utilities, Historic England, Canals and Rivers Trust and Natural England. No specific comments have been made on the Neighbourhood Area application, however the consultees have taken the opportunity to provide advice to the Neighbourhood Plan group in relation to how the Neighbourhood Plan might address issues related to their policy areas including flood risk and water management, the natural environment, waterways and water infrastructure.

#### **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 This proposed application has been made for the Tarporley Neighbourhood Area following boundary and governance changes made

in the 2015 Community Governance Review. The changes meant that the previously designated Neighbourhood Area, designated on 14 March 2014<sup>2</sup> did not reflect the new Parish Council area. The proposed Neighbourhood Area matches the new Tarporley Parish Council area excluding the parts covered by Beeston, Tiverton & Tilstone Fearnall Neighbourhood Area. The proposed new Neighbourhood Area will replace the existing Neighbourhood Area.

- 4.3 Tarporley Parish Council 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.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Tarporley Parish Council (with the exception of parts within the Beeston, Tiverton & Tilstone Fearnall Neighbourhood Area).
- 4.5 It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

## **5 Conclusion**

- 5.1 The application for the Tarporley Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and although six representations were received, no comments were made.
- 5.2 The Tarporley Neighbourhood Area is considered appropriate because:
  - Although a previous application has been made for Neighbourhood Areas covering part of the area,, the previous Neighbourhood Area was designated in 2014. This proposed Neighbourhood Area covers the new Parish (excluding the section covered by Beeston, Tiverton & Tilstone Fearnall Neighbourhood Area), as amended by the 2015 Community Governance Review. The Council can use their powers under Schedule 9, Part 1, 61G (6) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) to modify an existing designation. The new, modified Neighbourhood Area will replace the existing Neighbourhood Area once designated.
  - The existing Neighbourhood Plan for Tarporley (which was made on 8 June 2016) will continue to apply to the original Neighbourhood Area. The revised Neighbourhood Plan will apply to the new Neighbourhood Area.
  - Tarporley Parish Council is the relevant body to undertake Neighbourhood Planning.

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<sup>2</sup> <https://consult.cheshirewestandchester.gov.uk/kse/event/29700>

- The Neighbourhood Plan Area follows the boundary of the area covered by Tarporley Parish Council, excluding Beeston, Tiverton & Tilstone Fearnall Neighbourhood Area and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

## **6 Decision**

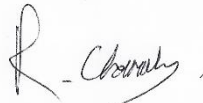
- 6.1 That the Tarporley Neighbourhood Area is approved and is formally designated. The application was publicised in accordance with the regulations and although a total of six representations were received, all had no comment to make specifically on the Neighbourhood Area.
- 6.2 The reasons for this decision are that the Tarporley Neighbourhood Development Plan Area is considered appropriate because:
- Although a previous application has been made for Neighbourhood Areas covering part of the area, the previous Neighbourhood Area was designated in 2014. This proposed Neighbourhood Area covers the new Parish (excluding the section covered by Beeston, Tiverton & Tilstone Fearnall Neighbourhood Area), as amended by the 2015 Community Governance Review. The Council can use their powers under Schedule 9, Part 1, 61G (6) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) to modify an existing designation. The new, modified Neighbourhood Area will replace the existing Neighbourhood Area once designated.
  - The existing Neighbourhood Plan for Tarporley (which was made on 8 June 2016) will continue to apply to the original Neighbourhood Area. The revised Neighbourhood Plan will apply to the new Neighbourhood Area.
  - Tarporley Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Tarporley Parish Council, excluding Beeston, Tiverton & Tilstone Fearnall Neighbourhood Area and it is appropriate for development in this area to be guided by a Neighbourhood Plan.
- 6.3 The Head of Planning and Placemaking hereby exercise their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Tarporley 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:
- a) Name of the area

- b) Name of body who applied
- c) Decision and reasons
- d) Details of where the decision can be inspected
- e) Map of Neighbourhood Plan Area

**7 Attachments**

- 7.1 Copy of application form and map of Tarporley Neighbourhood Area
- 7.2 External consultation responses that include advice for the Neighbourhood Plan Steering Group.

**Signed**



**Rob Charnley**  
**Head of Planning and Placemaking**

**Date**

**19 April 2024**

## 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

Clerk - Ann Wright

#### Address and postcode

Tarporley Parish Council  
62 Well Street  
Malpas  
Cheshire  
SY14 8QH

#### Email address

clerk@tarporley.org.uk

# Application to designate a Neighbourhood Area

## Cheshire West and Chester Council

### 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**

Tarporley Parish Council

**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.

Tarporley Neighbourhood Plan 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* ..... ☒
- Neighbourhood Development Order* ..... ☐
- Community Right to Build* ..... ☐

### 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.

We are seeking to revise our designated area to include all of the Tarporley Parish Council area except those already included in the Beeston, Tiverton & Tilstone Fearnall Neighbourhood Plan area.

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.

# Application to designate a Neighbourhood Area

## 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 current neighbourhood plan designated area no longer reflects Tarporley Parish Council's area/boundaries following a governance review by CW&C. As such we wish to updated our designated area to reflect the changes to our boundaries.

However we recognised part of our area is covered by the Beeston, Tiverton & Tilstone Fearnall Neighbourhood Plan as this area is proptected by the policies of that Plan we do not propose to incorporate this area into our Plan.

Please note we have written to all properties that would be impacted by the change in the Plan area, addresses supplied by CW&C, and recieved no objections.

### 7) Declaration

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

**Name**

Ann Wright

**Signature**

[Redacted Signature]

**Date**

18/12/2023

# Tarporley neighbourhood area

