

# **Cheshire West and Chester Council**

**Delegated report**

**Date: 19 November 2015**

**Neighbourhood Application Area: Tarvin**

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

**Date application first publicised: 3 September 2015**

**Area name: Tarvin**

**Applicant name: Tarvin Parish Council**

**Ward: Tarvin and Kelsall**

**Ward members: Cllrs Hugo Deynem and John Leather**

**Case officer: Rosie Morgan**

**Recommendation: Approval with a modification**

## **1 Introduction**

- 1.1 This delegated report relates to the application for the designation of Tarvin Neighbourhood Area.
- 1.2 The application for the designation of Tarvin Neighbourhood Area was made under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. The application 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 Tarvin Neighbourhood Area, as shown in the submitted area application, is part of the area covered by Tarvin Parish Council (as revised under the Community Governance Review 2015). It includes the settlements of Tarvin and Oscroft, and is located within the wider Tarvin and Kelsall Ward.

- 2.2 The proposed Neighbourhood Area excludes Bruen Stapleford, which now falls within the Tarvin Parish Council area but prior to the Community Governance Review of 2015 had no active parish council. Bruen Stapleford is included within the Huxley and Foulk Stapleford Neighbourhood Area which was designated on 7<sup>th</sup> October 2013. As Bruen Stapleford is already included within a designated neighbourhood area which the relevant Parish Councils do not wish to change, it cannot be included within the Tarvin Neighbourhood Area.
- 2.3 The proposed Tarvin Neighbourhood Area also includes a small area around Common Farm which has been transferred from Kelsall Parish to Tarvin as part of the Community Governance Review 2015. This area is included within the Kelsall Neighbourhood Area, which was designated on 26 November 2013. Kelsall Parish Council has indicated that they do not wish to alter their designated neighbourhood area at the present time but will do so at the time of review of their neighbourhood plan. As such, it is necessary to exclude this area from the Tarvin neighbourhood area.
- 2.4 A map of the proposed Tarvin Neighbourhood Area, showing the area around Common Farm to be excluded, is attached to this report.

### **3 Publicity**

- 3.1 The Neighbourhood Area application was publicised by public notice in the Chester Chronicle on 3 September 2015.
- 3.2 Details of the application were also published on the Council's website from 3 September 2015
- [www.cheshirewestandchester.gov.uk/neighbourhoodplanning](http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning)
- 3.3 Copies of a notice advertising the application were placed on notice boards in three locations in the Parish Council area: High Street, Tarvin; the Village Green at Oscroft and Tarvin Community Centre.
- 3.4 Local Councillors were informed of the application with the call-in cut off date of 22 October 2015. Members were advised that should they wish the application to be considered by the Executive Member in more detail, they must notify the case officer by email or letter before the call-in cut off date. No such requests were received.
- 3.5 The six week publicity period ran from 3 September to 15 October 2015.
- 3.6 The neighbouring parish councils of Christleton; Barrow; Ashton Hayes and Horton cum Peel; Kelsall; Willington; Duddon, Hargrave and Huxley were notified of the application by letter on 3 September 2015.

- 3.7 The publicity arrangements complied with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012.
- 3.8 The following internal consultees were notified by email: Legal; Rural Regeneration; Total Environment; Development Planning; Democratic Services; Environmental Protection; Energy and Carbon Reduction.
- 3.9 The Council received representations from:
- The Environment Agency – no comments.
  - United Utilities – no comments but would like to be kept informed and consulted with further should the designation be approved.
  - Historic England – no comments but raised issues to be taken into account in preparation of a neighbourhood plan and advised that the planning and conservation team at the Council would be best placed to assist. Provided a list of designated heritage assets within the area.
  - Natural England – no comments but provided general advice.
  - Kelsall Parish Council/Neighbourhood plan group – comments that the application includes a small area around Common Farm which used to be in Kelsall Parish but has moved to Tarvin Parish following last year's governance review. This is still included in the Kelsall NDP area which was designated in November 2013. After discussing this with the Tarvin NDP team, it was agreed that the Common Farm land would remain in the Kelsall NDP area for the time being. This matter will be addressed at the first Kelsall NDP review point.
  - The Council's democratic and legal services both responded to say that they had reviewed the application. No objections were raised.

#### **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 As discussed above, the Tarvin area application excludes Bruen Stapleford which, although now part of the Tarvin Parish Council area, is already covered by a designated Neighbourhood Area.
- 4.3 The Tarvin area application also includes a small area around Common Farm which is already covered by the Kelsall Neighbourhood Area. In order to comply with the regulations, this area needs to be excluded from the Tarvin Neighbourhood Area. The Council has therefore modified the

Tarvin Neighbourhood Area from that proposed in the application to exclude this small area.

- 4.3 Tarvin 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 Tarvin Parish Council, excluding those areas already covered by designated Neighbourhood Areas. It may be possible to amend the Neighbourhood Area boundary in future to match the new parish council boundary, subject to the agreement of the relevant neighbouring parish councils.
- 4.5 The proposed area (as modified) is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

## **5 Conclusion**

- 5.1 The application for the Tarvin Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and no representations objecting to the neighbourhood area were received.
- 5.2 The Tarvin Neighbourhood Area (as modified) is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Tarvin Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Tarvin Parish Council, (excluding those areas already covered by the designated Neighbourhood Areas of Kelsall and Huxley and Foulk Stapleford). It is appropriate for development in this area to be guided by a Neighbourhood Plan.

## **6 Decision**

- 6.1 That the Tarvin Neighbourhood Area is approved and is formally designated.
- 6.2 The reasons for this decision are that the Tarvin Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Tarvin Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Tarvin Parish Council, (excluding those areas already

covered by the designated Neighbourhood Areas of Kelsall and Huxley and Foulk Stapleford). It is appropriate for development in this area to be guided by a Neighbourhood Plan.

- 6.3 The Planning and Strategic Transport Manager hereby exercises their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Tarvin 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 Tarvin Neighbourhood Area.



**Fiona Hore**  
**Planning and Strategic Transport Manager**  
**19 November 2015**

# Tarvin Neighbourhood Area

