

## **Cheshire West and Chester Council**

**Delegated report**

**Date: 12 April 2023**

**Neighbourhood application area: Tattenhall and District**

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

**Area name:** Tattenhall and District

**Applicant name:** Tattenhall and District Parish Council

**Ward:** Tattenhall

**Ward Members:** Mike Jones

**Case officer:** Emma Jones

**Recommendation:** Approval

### **1 Introduction**

- 1.1 This delegated report relates to assessment of the application for designation of a revised boundary for Tattenhall and District Neighbourhood Area.
- 1.2 The application for the designation of the revised Tattenhall and District 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).
- 1.3 Tattenhall and District has an existing Neighbourhood Plan, which was made in June 2014. In March 2015, Cheshire West and Chester Borough

Council undertook a Reorganisation of Community Governance<sup>1</sup>, which resulted in changes to Tattenhall and District parish boundary. Therefore, the made plan for Tattenhall does not reflect the current parish boundary. The Parish Council intend to review the Neighbourhood Plan and this area application seeks to re-align the boundary for the review plan.

## **2 Area description**

- 2.1 The proposed revised Tattenhall and District Neighbourhood Area is the area covered by Tattenhall and District Parish Council and follows the same boundary. It includes the settlements of Tattenhall, Newton, Tattenhall Marina, Newtown and Gatesheath. The Neighbourhood Area is located within the Tattenhall ward. The revised boundary only results in a change to the north, with three small parcels of land now included around Gateheath, Poplar Hall Farm and Crow's Nest Bridge and now excludes land to the north of Newton-By-Tattenhall.
- 2.2 A map of the proposed revised Tattenhall and District 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 revised Tattenhall and District Neighbourhood Area application is not required.

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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/Golborne-Bellow-Newton-by-Tattenhall-Tattenhall-Cheshire-West-and-Chester-Community-Governance-Order-2015.pdf>

#### **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 This proposed application has been made for the revised Tattenhall and District 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 17 January 2013<sup>2</sup>, did not reflect the new Parish Council area. The proposed Neighbourhood Area matches the new Tattenhall and District Parish Council area.
- 4.3 Tattenhall and District 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 revised Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Tattenhall and District Parish Council.
- 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 Tattenhall and District Neighbourhood Area complied with the requirements of the Regulations.
- 5.2 The decision is made that the Tattenhall and District Neighbourhood Area is approved and is formally designated.
- 5.3 The reasons for this decision are that the Tattenhall and District Neighbourhood Development Plan Area is considered appropriate because:
- Although a previous application has been made for Neighbourhood Areas covering part of the area this is related to a review of the

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<sup>2</sup> <https://consult.cheshirewestandchester.gov.uk/kse/event/29702>

Neighbourhood Plan with the new area superseding the existing when the review plan is made.

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

- 5.4 The Interim Head of Planning and Placemaking hereby exercise their delegated authority to agree the area application.
- 5.5 A copy of this note will be sent to Tattenhall and District 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 revised Tattenhall and District Neighbourhood Area.



**Signed**

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**Nick Smith - Interim Head of Planning and Placemaking**

**Date**                **12 April 2023**

## 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

Ann Wright

#### Address and postcode

Tattenhall & District Parish Council

#### Email address

clerk@tattenhallpc.co.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

Tattenhall and District 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.

Tattenhall and District

#### 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.

N/A

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.

N/A

## 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.

This is an application to change an existing Neighbourhood Plan Area. Tattenhall and District Neighbourhood plan area was designated on 17th January 2013. The Plan is currently under review and, following changes to the Parish boundary under Cheshire West and Chester (Electoral Changes) Order 2018, the designated area no longer includes the whole Parish area. Tattenhall and District Parish Council, the qualifying body, have resolved to change the Neighbourhood Plan Area to include the whole of Tattenhall and District Parish and exclude those parts which now are included in neighbouring parishes.

Extract on Minutes of Meeting held 6th March 2023:

#### NEIGHBOURHOOD PLAN REVIEW

##### 1) Briefing Notes & Policy Changes

Council confirmed the notes and highlighted policy changes from the briefing held on 6th February from page 198 of the Minutes.

##### 2) Designated Area

It was noted that Hargrave and Huxley Parish Council has no objections to the redesignation of the Plan area.

RESOLVED 23/164 – that the Council supports the re-designation of the neighbourhood plan to area to match that of the Parish Council subject to no substantial objections from residents impacted.

Full copy of Minutes attached.

Maps of the original area (2013) and the proposed new area are attached.



**7) Declaration**

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

**Name**

Ann Wright

**Signature**



**Date**

4th April 2023



# Tattenhall and District neighbourhood area

