

## **Cheshire West and Chester Council**

**Delegated report**

**Date: 17 October 2019**

**Neighbourhood application area:**

**Utkinton and Cotebrook Parish  
Council**

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

**Area name:**

**Utkinton and Cotebrook**

**Applicant name:**

**Utkinton and Cotebrook Parish  
Council**

**Ward:**

**Tarporley  
Tarvin and Kelsall**

**Ward Members:**

**Cllr Eveleigh Moore Dutton  
(Tarporley)  
Cllrs John Leather and Harry Tonge  
(Tarvin and Kelsall)**

**Case officer:**

**Lyndsay Jennings**

**Recommendation:**

**Approval**

### **1 Introduction**

- 1.1 This delegated report relates to assessment of the application for designation of the Utkinton and Cotebrook Neighbourhood Area.
- 1.2 A neighbourhood area application for Utkinton and Cotebrook was originally designated in November 2016. Preparation of the neighbourhood plan for this area then progressed. It has recently come to light that the boundary used for the 2016 neighbourhood area is not the same as the current Parish Council boundary. A Community Governance Review took place in 2015, however the maps accompanying the Order were incorrect and required rectification to show the correct boundary. As such the Council made the Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Utkinton) (Amendment) Order 2018 to rectify this mapping error. This application is made to

correct the boundary of the neighbourhood area, to ensure that it aligns with the Parish Council boundary change in 2018.

## **2 Area description**

2.1 The revised Utkinton and Cotebrook Neighbourhood Area is the area covered by Utkinton and Cotebrook Parish Council and follows the same boundary. The majority of the Neighbourhood Area is located within the Tarporley ward, with a small area within Tarvin and Kelsall ward to the north west. The proposed Neighbourhood Area shares a boundary to the south with Tarporley Neighbourhood Area and to the west with Clotton Hoofield Neighbourhood Area.

2.2 A map of the proposed Utkinton and Cotebrook Neighbourhood Area is attached to this report.

## **3 Application and Publicity**

3.1 The application 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).

3.2 In compliance with Regulation 5A of the Regulations, a consultation period on the Utkinton and Cotebrook 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
- Part of the proposed area is an existing Neighbourhood Area, which does not extend outside the parish council's area and will be replaced by the new Neighbourhood Area.

## **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 revised application has been made for the Utkinton and Cotebrook Neighbourhood Area following boundary and governance changes made in the 2015 Community Governance Review, and further modifications to the Parish Council boundary in 2018. The changes meant that the previously designated Neighbourhood Area did not match the new Parish Council area. The new Neighbourhood Area matches the new Utkinton and Cotebrook Parish Council area.
- 4.3 As described above, a previous application has been made covering the majority of this area. However, the new Neighbourhood Area will replace the Neighbourhood Area which was previously designated on 22 November 2016. There is therefore no overlap between designated areas.
- 4.4 Utkinton and Cotebrook Parish Council is a relevant body to undertake neighbourhood planning in that area in accordance with section 61G of the 1990 Act.
- 4.5 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Utkinton and Cotebrook Parish Council.
- 4.6 It is therefore considered to be an appropriate area for which to prepare a Neighbourhood Plan.

## **5 Conclusion and Decision**

- 5.1 The application for the Utkinton and Cotebrook Neighbourhood Area has complied with the requirements of the Regulations.
- 5.2 The decision is made that the Utkinton and Cotebrook Neighbourhood Area is approved and is formally designated.
- 5.3 The reasons for this decision are that the Utkinton and Cotebrook Neighbourhood Development Plan Area is considered appropriate because:
- The revised Neighbourhood Area will replace the previously designated Neighbourhood Area.
  - Utkinton and Cotebrook Parish Council is the relevant body to undertake Neighbourhood Planning.
  - Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority

must designate the whole of the area applied for. This includes where a parish applies to extend its existing neighbourhood area to its parish boundary.

- The Neighbourhood Area follows the boundary of the area covered by Utkinton and Cotebrook Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

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

5.5 A copy of this note will be sent to Utkinton and Cotebrook 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

**Signed**



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**Head of Planning**

**Date 17<sup>th</sup> October 2019**

