

---

**Malpas and Overton**

**Neighbourhood Plan**

**BASIC CONDITIONS STATEMENT**

**August 2014**

---

<b>CLIENT:</b>	Malpas NP Steering Group
<b>PROJECT NAME:</b>	Malpas NP
<b>IBI REFERENCE:</b>	6013
<b>VERSION:</b>	1.1
<b>ORIGINATOR:</b>	Simon Peake
<b>REVIEWER:</b>	Jim Fox & Chris Whitehurst



## CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
<b>2</b>	<b>BASIC CONDITIONS .....</b>	<b>5</b>
<b>3</b>	<b>CONFORMITY WITH THE NATIONAL PLANNING POLICY FRAMEWORK</b>	<b>8</b>
<b>4</b>	<b>CONTRIBUTING TO SUSTAINABLE DEVELOPMENT</b>	<b>16</b>
<b>5</b>	<b>CONFORMITY WITH THE STRATEGIES OF THE DEVELOPMENT PLAN</b>	<b>21</b>
<b>6</b>	<b>COMPATABILITY WITH EU REGULATIONS...</b>	<b>30</b>
<b>7</b>	<b>PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS</b>	<b>31</b>
<b>8</b>	<b>CONCLUSION .....</b>	<b>32</b>

# 1 INTRODUCTION

## Introduction

---

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Malpas and Overton Neighbourhood Development Plan (hereafter known as the “Malpas and Overton Neighbourhood Plan” or “the Neighbourhood Plan”) has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and how the ‘basic conditions’ of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.
- 1.2 The Neighbourhood Plan has been produced by a Neighbourhood Planning Steering Group including Malpas Parish Council members, the proper officer / representative of Overton Parish and other community volunteers. Planning consultants IBI Taylor Young have been assisting the Steering Group with the preparation of the document and the Group has worked closely with Cheshire West and Chester Council (CWaC).
- 1.3 Effective community engagement throughout the process will mean that the Neighbourhood Plan will belong to the people of Malpas and Overton.
- 1.4 The Neighbourhood Plan is supported by an Evidence Base Summary document and a Consultation Statement. An Environmental Screening and Habitat Regulation Assessment Statement has also been prepared by CWaC. All of these documents have been submitted alongside the Neighbourhood Plan.

## 2 BASIC CONDITIONS

### Basic conditions to be met

---

- 2.1 Schedule 4B to the Town and Country Planning Act (Para 8) sets out the following basic conditions that Neighbourhood Development Plans must meet:

- 8(1)** *The examiner must consider the following—*
- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
  - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L,*
  - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
  - (e) such other matters as may be prescribed.*
- (2)** *A draft neighbourhood development plan meets the basic conditions if—*
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
  - (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
  - (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
  - (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*
  - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
- (6)** *The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

*Para 8 of schedule 4B to the 1990 Town and Country Planning Act (excluding 2b. c3-5 as required by 38C (5))*

---

## How the Neighbourhood Plan meets the basic conditions

---

- 2.2 The Malpas and Overton Neighbourhood Plan meets the basic conditions of schedule 48 to the 1990 Town and Country Planning Act, Schedule 4B, 8(1) (a). This is set out in the following sections of this Basic Conditions Statement.
- 2.3 Schedule 4B section 8(1) (b) covers the provision of 61E (2), 61J and 61L as amended by s38C (5) (b) this provides a reference to the provision of 38A and 38B. The following information is submitted in respect of 38A and 38B.

### 38A

---

- 2.4 **(1)** Malpas Parish council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own Parish. A Neighbourhood Plan Steering Group, which includes representatives from both Malpas and Overton parishes, has been formed to produce a Malpas and Overton Neighbourhood Plan. The Neighbourhood Plan area, which covers both parishes, was approved by CWaC on 17 April 2013.
- 2.5 **(2)** The Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area. Other 'aspirations' are also described in the Neighbourhood Plan but these are clearly distinguished from the policies and are non-statutory.

### 38B

---

- 2.6 **(1a)** The period of the Neighbourhood Plan has been specified as 2010 to 2030. This

deliberately follows the period of the CWaC Local Plan. It is intended that the Neighbourhood Plan is to be reviewed and updated regularly during this process (potentially every 5 years).

- 2.7 **(1b)** No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 2.8 **(1c)** The Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Malpas and Overton as designated by Cheshire West and Chester Council on 17th April 2013.
- 2.9 **(2)** There are no other Neighbourhood Development Plans (NDPs) in place for the approved Malpas and Overton neighbourhood area.
- 2.10 **(3)** If there are any conflicts within the Neighbourhood Plan, it is clarified that in the event of a conflict between a policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- 2.11 **(4)** Regulations made by the Secretary of State relating to NDPs in the Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan. These regulations set out:
- Processes by which neighbourhood plans are to be made and set out the consultation bodies for NDP's.
  - NDP's that are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment. An Environmental Screening and Habitats Regulation Assessment Statement has been prepared for the Neighbourhood Plan by CWaC. The screening exercise concluded that it is unlikely there will

---

be any significant environmental effects arising from the Plan and that a Strategic Environmental Assessment is not required. It also concluded that the Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010).

- 2.12 **(5)** Refers to the publication of NDP's once made by a local planning authority in accordance with the regulations.
- 2.13 **(6)** Clarifies what is excluded development.
- 2.14 Para 1(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates. It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area.
- 2.15 Para 1(e) such other matters as may be prescribed. There are no other matters.

### 3 CONFORMITY WITH THE NATIONAL PLANNING POLICY FRAMEWORK

#### *Paragraph 2a*

*A draft neighbourhood development plan meets the basic conditions if - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan*

- 3.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the policies contained in the NPPF, taken as a **whole**, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 3.2 NPPF sets out 12 core land-use planning principles that should underpin plan-making and decision-taking. These are that planning should:
1. Be **genuinely plan-led**, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area;
  2. Be a **creative exercise** in finding ways to enhance and improve the places in which people live their lives; **proactively drive and support sustainable economic development** to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and **respond positively to wider opportunities for growth**. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
  3. Always seek to secure **high quality design** and a good standard of amenity for all existing and future occupants of land and buildings;
  4. **Take account of the different roles and character of different areas ...**, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  5. Support the **transition to a low carbon future in a changing climate**, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resource;
  6. Contribute to **conserving and enhancing the natural environment** and reducing pollution;
  7. **Encourage the effective use of land** by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
  8. **Promote mixed use developments**, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation,



- flood risk mitigation, carbon storage, or food production);
9. **Conserve heritage assets** in a manner appropriate to their significance;
  10. **Actively manage patterns of growth** to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
  11. Take account of and support local strategies to **improve health, social and cultural wellbeing** for all...
- 3.3 These principles have been embodied throughout the preparation of the Malpas and Overton Neighbourhood Plan, which has had regard to the following key policy sections of the NPPF, as evidenced below.

### Building a strong, competitive economy

---

- 3.4 The NPPF Para 21 states that local planning authorities (LPA's) should plan positively for local inward investment to match and meet anticipated needs over the plan period. Support should be given to existing business whilst identifying priority areas for infrastructure provision and environmental enhancement. The NPPF encourages flexible working practices such as the integration of residential and commercial units within the same unit.
- 3.5 **Objective 8** of the Neighbourhood Plan is to *“Support a broad and sustainable local economy that provides job opportunities for residents of Malpas and Overton.”*
- 3.6 **Objective 3** is to *“Support housing growth that meets the needs of the local population, including all sections of the community.”*
- 3.7 The Neighbourhood Plan positively responds to this in the following ways:
  - Policy H1 supports new housing development on appropriate sites

- Policy SF1 promotes the continuing vitality of the village centre
- Policy SF2 seeks to develop a niche mixed use area around Church Street
- Policy SF4 seeks to ensure that the required community infrastructure is in place to support a growing and local economy
- Policy LE1 promotes the development of new flexible workspace to support businesses
- Policy LE2 supports economic diversification of rural businesses.

- 3.8 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

### Ensuring the vitality of town centres

---

- 3.9 Para 23 of the NPPF recognises that town/local centres are the heart of the community. Promotion of a distinctive and flourishing local economy, exhibiting vitality and dynamism will assist in the strengthening of the local economy and provide local facilities to new and existing residents.
- 3.10 **Objective 7** of the Neighbourhood Plan is to *“Ensure continued provision of a comprehensive range of local shops, services and community facilities that meets the needs of the local population.”*
- 3.11 The Neighbourhood Plan positively responds to this in the following ways:
  - Policy SF1 promotes the continuing vitality of the village centre by ensuring it remains the place where retail and community facilities are clustered
  - Policy SF2 seeks to develop a niche mixed use offer within the Church Street area of the village centre

- Policy SF3 supports greater use of upper floors for office use.

3.12 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

### Supporting a prosperous rural economy

---

3.13 The NPPF Para 28 states that sustainable growth and expansion of all business types will be supported along with the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues and cultural facilities.

3.14 **Objective 8** of the Neighbourhood Plan is to *“Support a broad and sustainable local economy that provides job opportunities for residents of Malpas and Overton.”*

3.15 The Neighbourhood Plan positively responds to this in the following ways:

- Policy LE1 promotes the development of new flexible workspace to support businesses
- Policy LE2 supports economic diversification of rural businesses.

3.16 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

### Promoting sustainable transport

---

3.17 Para 37 of the NPPF states that policies should aim for a balance of land uses within their area, allowing for people to be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

3.18 **Objective 4** of the Neighbourhood Plan is to *“Ensure that the area is easy and safe to move around in for all modes of transport and that*

*the infrastructure continues to adequately serve the village as it grows.”*

3.19 **Objective 2** is to *“Ensure that new development is sustainably located, connected and integrates well with the village.”*

3.20 **Objective 10** is to *“Promote sustainability and reduce carbon-dependent activities”* (e.g. use of cars).

3.21 The Neighbourhood Plan positively responds to this in the following ways:

- Policy H1 seeks to locate new housing within walking distance of the village centre
- Policy SF1 ensures that retail and community facilities will be located in close proximity at the village centre, which is within walking distance of most Malpas residents and served by bus services.
- Policy LE1 states that sites within or immediately adjacent to the village centre will be preferred for new flexible workspace
- Policy TC1 proposes a Village Travel Plan, which will address all transport issues holistically and promote travel by sustainable modes
- Policy TC3 seeks to improve pedestrian and cycle routes between new housing developments and the village centre. This will serve to promote walking and cycling further.

3.22 The Village Travel Plan will offer further opportunities to promote sustainable transport as it develops. It will be linked to Neighbourhood Plan policy by Policy TC3.

3.23 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

---

## Supporting high quality communications infrastructure

---

- 3.24 Para 162 of the NPPF, refers to infrastructure and specifically the provision of telecommunication infrastructure. Para 42 specifically refers to the development of high speed broadband technology which plays a vital role in the provision of local community facilities and services.
- 3.25 Objectives 1 (quality of life), 7 (community facilities), 8 (local economy) and 10 (and reducing carbon-dependent activities) of the Neighbourhood Plan all support the provision of high quality communication infrastructure.
- 3.26 The Neighbourhood Plan positively responds to this in the following ways:
- Sections 4, 5 and 6 all support the provision of superfast broadband in the Neighbourhood Plan area, especially to support home working and businesses in the rural area. This is recorded in the Plan as an 'aspiration' but is not the subject of a policy because this aspiration will not necessarily require a planning application and is not therefore directly development and land-use related (failing the test of Section 38A).
- 3.27 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

---

## Delivering a wide choice of high quality homes

---

- 3.28 The NPPF para 54 states that LPA's should be responsive to local needs particularly for affordable housing. It is appropriate that NDP's as locally specific and statutory elements of the adopted Development Plan can set the criteria that refine the application

of National Policy. It is clear that the NPPF does not wish to set a blanket approach to such elements of policy and a NDP is an appropriate mechanism to provide a locally distinctive approach to the aspect of policy.

- 3.29 The NPPF encourages a mix of housing to create a choice of house types. It seeks mixed and inclusive communities through planning for demographic trends. The NPPF also defines intermediate affordable housing as housing that is sub market and restricted to eligible households by reference to local incomes and house prices.
- 3.30 **Objective 3** of the Neighbourhood Plan is to *"Support housing growth that meets the needs of the local population, including all sections of the community."*
- 3.31 The Neighbourhood Plan positively responds to this in the following ways:
- Policy H1 supports new housing development on appropriate sites
  - Policy H2 provides for replacement dwellings and homes for rural workers, to ensure that the needs of the rural community are met
  - Policy H2 also supports the care and housing needs of older people by allowing ancillary relatives accommodation
  - Policy H3 applies the evidenced local needs of Malpas Ward to new housing developments – which seek to ensure that the specific needs of the local community (i.e. in terms of affordable housing and older persons housing) are met.
  - Policy H3 also requires that within developments of more than 10 houses, 10% of these homes are fully Lifetime Homes compliant. This will support the provision of an appropriate number of new homes

that will meet the needs of Malpas and Overton's ageing population.

- 3.32 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

### Requiring good design

---

- 3.33 Paragraphs 56-62 of the NPPF explain how plan-making should promote high quality design. It states that good design is a key aspect of sustainable development. Developments should ensure that they add to the overall quality of the area for the lifetime of the development, establishing a strong sense of place responding to local character, and are safe yet attractive.

- 3.34 **Objective 9** of the Neighbourhood Plan is to *"Protect and enhance our heritage assets and the distinctive local character of the built environment."*

- 3.35 The Neighbourhood Plan positively responds to this in the following ways:

- Policy H2 responds to paragraph 55 of the NPPF, 4<sup>th</sup> bullet, and aims to promote exemplar individual homes that demonstrate excellence in design innovation and environmental sustainability
- Policy H4 requires housing to be developed within 'character areas' of a size that reflect the existing character of the settlement. This follows national Government guidance and policy, as expressed in the Urban Design Compendium (vol. I p.40-41 and vol. II p41-42) and the NPPF (para 58 [esp. 4<sup>th</sup> bullet point] and para 65)
- Policy BE1 seeks to ensure that the scale and form of new development responds positively to existing local character, and

requires this to be assessed using Building for Life 12

- Policy BE2 requires new development to reflect the distinctive character of Malpas and Overton (and refers to a specially produced Character Study, which forms part of the evidence base to the Neighbourhood Plan)
- Policy BE3 requires good design for alterations and extensions to existing buildings
- Policy BE4 (and the Proposals Map) identifies a series of 'character buildings and structures', which should be respected by new development
- Policy BE5 requires local archaeological considerations to be appropriately assessed

- 3.36 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

### Promoting healthy communities

---

- 3.37 The planning system plays an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF Para 69 promotes the creation of safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourages the active and continual use of public areas.

- 3.38 Access to high quality open spaces and opportunities for sport and recreation are promoted in Para 73 of the NPPF for making an important contribution to the health and well being of communities. Building on existing open space, sports and recreation buildings and land will only be permitted under exceptional circumstances.

- 3.39 The NPPF encourages NDPs to identify special protection for green spaces which have significant importance to the community.
- 3.40 Objective 1 of the Neighbourhood Plan is to *“Provide an excellent quality of life in our local area.”*
- 3.41 Objective 6 is to *“Protect and enhance the natural environment”*
- 3.42 The Neighbourhood Plan positively responds to this in the following ways:
- Policy LC4 (and the Proposals Map) identifies a series of ‘green spaces and corridors’, most of which have value as a recreational resource for the local community
  - Policy SF4 requires new residential development to respond appropriately to identified local needs, including sports and recreation
  - Policies H1, TC1 and TC3 all promote walking and cycling
- 3.43 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

---

### Protecting Green Belt Land

- 3.44 There is no Green Belt Land within the Neighbourhood Plan area.

---

### Meeting the challenge of climate change, flooding and coastal change

- 3.45 Local Authorities are encouraged to adopt proactive strategies to mitigate and adapt to climate change, talking into full account of flood risk.
- 3.46 Para 95 of the NPPF states that in order to support the move to a low carbon future, LPA's

should plan for new development in locations and ways which reduce greenhouse gas emissions. The NPPF actively supports energy efficiency improvements to existing buildings and set local requirements for sustainable buildings that is consistent with the Government's zero carbon policy and adopt nationally described standards.

- 3.47 **Objective 10** is to *“Promote sustainability and reduce carbon-dependent activities”*.
- 3.48 The Neighbourhood Plan responds positively to the challenges of climate change and is in conformity with the flooding policies of the NPPF. It largely leaves these matters to existing national and local policy and regulation. There are no significant watercourses within the Neighbourhood Plan area and flood risk is not a particular local issue.
- 3.49 Policy LC2 of the Neighbourhood Plan supports the development of renewable energy technology on appropriate sites. This will contribute to the Government's objective of reducing reliance on fossil fuels, which will help in the challenge to reduce the effects of climate change.
- 3.50 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

---

### Conserving and enhancing the natural environment

- 3.51 Para 109 of the NPPF reinforces that planning should contribute to and enhance the natural and local environment, through protecting existing landscapes and minimising impacts on biodiversity. Brownfield development should be encouraged, providing the land is not of high environmental value.
- 3.52 Para 76 of the NPPF allows for Neighbourhood Development Plans to designate land as Local

---

Green Space which prevents development other than in special circumstances. Local Green Space designation should only be permitted where the area is in reasonably close proximity to the community it serves, and where it can be demonstrated to hold a particular local significance.

3.53 The NPPF states that the aim of conserving and enhancing the natural environment should be to minimise pollution and other adverse effects on the local and natural environment.

- Local Green Spaces are designated in the form of the “Green Spaces and Corridors” referred to in Policy LC4 and identified on the Proposals Map and in Appendix E. These are all identified as having either amenity value, sports and recreation value, nature conservation value, or general community value.
- Policy H1 requires the appropriateness of new housing sites to be effectively considered, and promotes brownfield development ahead of greenfield development
- Policy LC1 seeks to ensure that new development does not have an adverse impact on the distinctive landscape character of the area
- Policy LC3 also seeks to protect identified key views that are important to local character
- Policy LC5 protects the biodiversity of the area when development affects existing vegetation or proposes new planting

3.54 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

## Conserving and enhancing the historic environment

---

3.55 NPPF para 126 states that LPA's should have a positive strategy for the conservation and enjoyment of the historic environment.

3.56 Proposals that preserve historic elements and character of the setting, which make a positive contribution to or better reveal the significance of the historic asset should be treated favourably. The NPPF recognises the importance of both designated and non-designated heritage assets.

3.57 **Objective 9** of the Neighbourhood Plan is to *“Protect and enhance our heritage assets and the distinctive local character of the built environment.”*

3.58 The Neighbourhood Plan area includes a number of listed buildings, a Scheduled Monument and a Conservation Area. All of these features are identified within the Neighbourhood Plan (at Figure 2.7).

3.59 As these existing designations are well covered by existing national and local policy and legislation, the Neighbourhood Plan instead focuses on undesignated heritage assets that have not been currently identified, thereby seeking to add value.

3.60 The Neighbourhood Plan positively responds to this in the following ways:

- Policy BE2 requires new development to reflect the distinctive character of Malpas and Overton (which includes the historic character provided by heritage assets)
- Policy BE3 requires good design for alterations and extensions to existing buildings, seeking to control the cumulative impacts to the setting of heritage assets that may otherwise result.

- 
- Policy BE4 identifies (on the Proposals Map and in Appendix D) a series of 'character buildings and structures', which should be protected, and whose setting should be respected by new development
  - Policy BE5 requires local archaeological considerations to be appropriately assessed. Figure 5.2 identifies existing archaeological designations but also builds on this by suggesting additional areas of potential interest that are not currently covered by existing designations. These are also described within the evidence base.

3.61 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

## 4 CONTRIBUTING TO SUSTAINABLE DEVELOPMENT

### *Paragraph 2(d)*

*A draft neighbourhood development plan meets the basic conditions if -  
(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development*

- 4.1 Sustainable development is about positive growth - making economic, environmental and social progress for this and future generations.
- 4.2 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- **an economic role** - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - **a social role** - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - **an environmental role** - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 4.3 At the heart of the National Planning Policy Framework is a “*presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*”.
- 4.4 The Malpas and Overton Neighbourhood Plan has been subject to an Environmental Screening and Habitats Regulation Assessment (undertaken by CWaC), a copy of which has been submitted in support of the Plan. This explains how the policies of the Neighbourhood Plan integrate with the emerging Local Plan and concludes that there will be no significant adverse environmental impacts.
- 4.5 The Neighbourhood Plan has considered all aspects of economic, social and environmental sustainability in its production and its policies will contribute to the promotion of sustainable development. This is summarised in the Table 4.1 on the following page (which is informed by the aforementioned screening assessment).
- 4.6 The contribution of the Plan to sustainable development can also be understood by the consideration in Section 3 of how the Plan responds to the guidance set out in the NPPF, which itself seeks to promote sustainable development.



**Table 4.1: Contribution of the Neighbourhood Plan to Sustainable Development**

Neighbourhood Plan Policy	Summary of Policy	Contribution to sustainable development
<b>1. Homes for All</b>		
<b>H1. New Housing</b>	<p>Supports new housing development on sustainable and appropriate sites (Refer to NP and Evidence based document)</p> <p>Preferred location for new housing development. Support for brownfield redevelopment. Greenfield development on sites directly adjacent to existing built up area.</p> <p>Quantum of new development in line with emerging Local Plan figures for Malpas. Provides a site assessment criteria to help determine suitability for development</p>	<ul style="list-style-type: none"> <li>• Promotion of brownfield development.</li> <li>• Promotion of development close to the existing village that supports sustainable modes of travel to shops and services.</li> <li>• Development on sites that are most appropriate – minimising impacts on the natural environment.</li> <li>• Delivery of new housing delivers social sustainability by widening housing choice locally.</li> <li>• Increasing the catchment population of the village centre furthers economic sustainability of shops and services.</li> </ul>
<b>H2. Rural Housing Development</b>	<p>Allowance for a very small number of dispersed individual dwellings in the rural area for agricultural workers, relative's accommodation and homes of exceptional innovative design and sustainability.</p>	<ul style="list-style-type: none"> <li>• Protects green space by allowing only necessary / exceptional development</li> <li>• Supports social sustainability by meeting specific housing needs</li> <li>• Supports the rural economy, promoting economic sustainability</li> <li>• Promotes innovative sustainability features in design</li> </ul>
<b>H3. Housing type and tenure</b>	<p>Conformity of policies on housing type/mix with the emerging Local Plan. Provision of affordable housing that specifically meets evidenced needs of Malpas Ward.</p> <p>25% of new homes on developments of 10 or more to meet Lifetime Homes standard.</p>	<ul style="list-style-type: none"> <li>• Supports social sustainability by widening housing choice in response to local needs and supporting a balanced, mixed community.</li> </ul>
<b>H4. Housing character and design</b>	<p>New housing to reflect organic growth of Malpas. Developments of up to 30 dwellings at a time preferred, where they are larger developments should include distinct character areas of up to 30 homes.</p>	<ul style="list-style-type: none"> <li>• Supports retention of the distinctive local character and raises design quality of new development, which will ensure the area becomes an attractive place to live in and to visit.</li> </ul>

<b>2. Built Environment and Local Character</b>		
<b>BE1. Scale and Form of New Development</b>	Sets out consideration for the layout and scale of new development	<ul style="list-style-type: none"> <li>• Supports retention of the distinctive local character and raises design quality of new development, which will ensure the area becomes an attractive place to live in and visit.</li> <li>• Protection and enhancement of existing cultural heritage and landscape</li> </ul>
<b>BE2. Design of New Buildings</b>	Sets out how the design of new buildings should be distinctive to the existing character of Malpas and Overton.	<ul style="list-style-type: none"> <li>• Supports retention of the distinctive local character and raises design quality of new development, which will ensure the area becomes an attractive place to live in and visit.</li> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> </ul>
<b>BE3. Alterations and Extensions</b>	Sets out how the design of alteration and extensions to existing buildings should be distinctive to the existing character of Malpas and Overton.	<ul style="list-style-type: none"> <li>• Supports retention of the distinctive local character and raises design quality of new development, which will ensure the area becomes an attractive place to live in and visit.</li> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> </ul>
<b>BE4. Character Buildings and Structures</b>	Sets out how the design of new buildings should maintain, respect and enhance the existing character of Malpas and Overton.	<ul style="list-style-type: none"> <li>• Supports retention of the distinctive local character and raises new design quality, which will ensure the area becomes an attractive place to live in and visit.</li> <li>• Protection and enhancement of existing cultural heritage and landscape</li> </ul>
<b>BE5. Archaeology</b>	Sets out requirements for archaeological surveys and areas of potential archaeological significance.	<ul style="list-style-type: none"> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> </ul>
<b>3. Landscape Character and the Natural Environment</b>		
<b>LC1. Landscape Character and New Development</b>	Sets out requirements for protecting landscape character of new development.	<ul style="list-style-type: none"> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> </ul>
<b>LC2. Renewable Energy</b>	Promotes appropriate renewable energy development. Sets out criteria for new renewable energy development in the area.	<ul style="list-style-type: none"> <li>• Promotion of renewable energy sources.</li> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> </ul>

<b>LC3. Key Views</b>	Sets out requirements for new development to protect key views	<ul style="list-style-type: none"> <li>• Protection and enhancement of existing cultural heritage and landscape</li> </ul>
<b>LC4. Green Spaces and Corridors</b>	Policy seeks protection and enhancement of locally valued Green Spaces.	<ul style="list-style-type: none"> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> <li>• Continued open space provision for local population</li> <li>• Protection and enhancement of biodiversity</li> <li>•</li> </ul>
<b>LC5. Biodiversity</b>	Enhancement of biodiversity through new development.	<ul style="list-style-type: none"> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> <li>• Protection and enhancement of biodiversity.</li> </ul>
<b>4. Services and Facilities</b>		
<b>SF1. Village Centre</b>	Defines the village centre and promotes retail and community services in the centre.	<ul style="list-style-type: none"> <li>• Protection and enhancement of retail and community assets.</li> <li>• New economic development and employment opportunities.</li> </ul>
<b>SF2. Church Street</b>	Protection of character and retail and food offer on Church Street.	<ul style="list-style-type: none"> <li>• Protection and enhancement of retail and community assets.</li> <li>• New economic development and employment opportunities.</li> <li>• Protection and enhancement of existing cultural heritage and landscape.</li> </ul>
<b>SF3. Upper Floors</b>	Encouragement of the use of upper floors in the village centre for office and residential use.	<ul style="list-style-type: none"> <li>• New residential, economic development and employment opportunities.</li> <li>• Promotes most efficient use, and re-use, of existing building stock.</li> </ul>
<b>SF4. Community Infrastructure</b>	Sets out mechanism for provision of new community infrastructure through new development.	<ul style="list-style-type: none"> <li>• Helps to secure viable future of existing retail and community assets.</li> <li>• New economic development and employment opportunities.</li> </ul>
<b>5. Supporting the Local Economy</b>		
<b>LE1. Flexible Workspace</b>	Promotes new flexible workspace development. Sets out criteria for identifying suitable locations for new flexible workspace	<ul style="list-style-type: none"> <li>• New residential, economic development and employment opportunities.</li> <li>• Improves economic sustainability of new and expanding local businesses.</li> </ul>
<b>LE2. Rural Diversification and Local Tourism</b>	Sets out criteria for identifying suitable locations for new small scale employment and tourism development in the rural area.	<ul style="list-style-type: none"> <li>• Economic sustainability support to the local rural economy.</li> <li>• Promotes tourism which will have economic sustainability benefits to tourism and village centre business.</li> </ul>

<b>6. Transport and Communications</b>		
<b>TC1. Village Travel Plan</b>	Preparation of a village travel plan.	<ul style="list-style-type: none"> <li>• Promotion of sustainable travel.</li> </ul>
<b>TC2. Travel and Parking Impacts</b>	Sets out requirement for assessment of local travel impacts of new development.	<ul style="list-style-type: none"> <li>• Management and mitigation of traffic impacts.</li> <li>• Promotion of sustainable travel.</li> </ul>
<b>TC3. Pedestrian and Cycle Routes</b>	Provision of new safe, direct and attractive travel routes in new development.	<ul style="list-style-type: none"> <li>• Promotion of sustainable travel</li> </ul>

## 5 CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

### *Paragraph 2(e)*

*A draft neighbourhood development plan meets the basic conditions if -*

*(e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)*

- 5.1 Neighbourhood plans must demonstrate that they are in general conformity with the strategic policies of the adopted development plan for the local area. Section 38 of the Planning and compulsory Purchase Act 2004 defines "development plan" as the development plan documents (DPDs) adopted for the area and Schedule 8 extends this to include saved local plans.
- 5.2 The current adopted Local Plan for the area is the Chester District Local Plan (adopted 2006).
- 5.3 The emerging Cheshire West and Chester Local Plan is at an advanced stage. The Council published its Draft Local Plan for an eight week consultation period which ended on Friday, 1 November 2013. The Local Plan and all supporting documents were then submitted to the Secretary of State on Monday 23 December 2013. This followed the formal approval of the submission documents by a Special Meeting of the Council on 19 December 2013. An inspector was appointed to conduct an independent examination of the Local Plan in June/July 2014. This examination was completed on 4<sup>th</sup> July. His report has yet to be published.
- 5.4 This assessment of conformity is therefore made against both the saved policies of the **Chester District Local Plan** and the **Submission Document (December 2013) of the Local Plan Part One: Strategic Policies**.

### **Chester District Local Plan Saved Policies**

---

- 5.5 **Chester District Local Plan Saved Policies** were adopted on 12th May 2006, under the Planning and Compulsory Purchase Act 2004 and the policies within the Plan were saved for a period of 3 years from the date of adoption. For Chester, this meant that the policies in the Chester District Local Plan were saved until May 2009. To ensure that these policies continued to be valid in the determination of planning applications after May 2009, the Council secured agreement from the Secretary of State.
- 5.6 Government Office accepted that all policies with the exception of HO1 setting out the scale of housing provision could be retained. Therefore this policy lapsed but all other policies have been retained. In the absence of up to date housing policies within the local plan, the fallback position for assessment is therefore the NPPF.
- 5.7 Since the introduction of the NPPF in March 2012, existing local plan policies in the Borough for the supply of housing have been deemed out of date, because the Council cannot demonstrate the required five year supply. Emerging policies in the Local Plan Part One are in an advanced stage of the adopted

process and due weight is therefore accorded to them.

- 5.8 The overall aim of the Chester District Local Plan was to adopt a holistic approach towards improving the quality and vitality of all facets of life in Chester District.
- 5.9 The majority of the District's development requirements are to be met in Chester's urban area as the focus of the sub region. Development in rural areas will be targeted at meeting the needs of local people, conserving the countryside and ensuring the continued vitality of rural communities as well as safeguarding agricultural land and supporting the agricultural economy.
- 5.10 The policies of the Malpas and Overton Neighbourhood Plan are considered to be consistent with the Saved Policies of the Chester District Local Plan. Table 5.1 explains how the policies are compliant.

#### **The Cheshire West and Chester Local Plan**

---

- 5.11 Cheshire West and Chester was formed following the Local Government Reorganisation in 2009. This consisted of Chester City, Vale Royal, Ellesmere Port and Neston and Cheshire County Council all becoming Chester West and Chester Council. Work has subsequently commenced on a new Cheshire West and Chester Local Plan. The Examination on the Local Plan was scheduled for 17 June to 4 July 2014. His report has yet to be published.
- 5.12 The Malpas and Overton Neighbourhood Plan has been produced in parallel with the emerging Cheshire West and Chester Local Plan. The close relationship between the community and the Council has ensured general conformity between the plans and

minimised any potential conflict between the two documents.

- 5.13 The evidence used in the production of the Neighbourhood Plan includes information and analysis used to inform the production of the emerging Local Plan, alongside new evidence base analysis collated specifically for the Neighbourhood Plan.
- 5.14 The vision for Malpas in the Local Plan Preferred Policy Direction document is to support the main settlements in the Borough and further fulfil their role and function in providing access to services and facilities for their local and surrounding communities. Malpas is identified as a 'key service centre'. Within the rural area there will be high quality sustainable housing and employment development to meet the needs of local communities, whilst protecting the character of the Cheshire countryside.
- 5.15 STRAT 8 sets the proposed level of new housing provision for the key service centres during the plan period, and reflects the range of facilities and services and constraints of each settlement. The Malpas and Overton Neighbourhood Plan has considered housing need, local character and community infrastructure and as a result follows the housing target set for Malpas in STRAT8.
- 5.16 The emerging Local Plan will provide strategic planning policy for the Cheshire West and Chester Area. Some of the existing Saved Policies will be retained for the purposes of development control to supplement the strategic policies of the Local Plan.
- 5.17 This Basic Condition Statement endeavours to demonstrate that the Neighbourhood Plan will not conflict with the saved policies of the existing Local Plan and the emerging local plan once it is made.

- 
- 5.18 The policies in the Neighbourhood Plan reflect that the Local Plan is still under preparation. It seeks to refine and add detail to the overall strategic planning policy of the Local Plan, and to be flexible enough to work alongside the implementation of the Local Plan once adopted.
- 5.19 It is considered that the Neighbourhood Plan is aligned with and positively supports the strategic needs and priorities of the local area. It promotes development consistent with the requirements of the emerging strategic policies of the development plan for the area,
- 5.20 The Neighbourhood Plan is in conformity with the strategic policies of both the adopted Chester District Local Plan and the emerging CWaC Local Plan Part One. Please refer to Table 5.1 which cross-references this conformity.

Table 5.1: Compliance of the Neighbourhood Plan with the Development Plan

Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Saved Policies of the Chester District Local Plan	Conformity with the Local Plan Part One: Strategic Policies (Submission Document, December 2013)
<b>Objectives</b>			
<p><b>1. Provide an excellent quality of life in our local area.</b></p>		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>• create a safe, healthy environment for residents, visitors and people who work in the District</li> <li>• enhance opportunities for independence for people with disabilities</li> <li>• provide a wide variety of sporting and recreational opportunities for residents and visitors</li> <li>• safeguard and develop community facilities</li> <li>• promote and enhance the enjoyment of the arts and culture and the District's rich heritage</li> </ul>	<p>Supports strategic objectives SO2, SO6, SO7, SO11, SO13</p>
<p><b>2. Ensure that new development is sustainably located, connected and integrates well with the village.</b></p>		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>• secure the essential link between the environment and the economy through sustainable development</li> <li>• protect and enhance the architectural and historic character of the District</li> <li>• maintain the most valued habitats, wildlife species and geological and landscape features at current levels as a minimum and to seek opportunities for habitat enhancement and creation</li> <li>• promote the conservation of energy and other natural resources</li> </ul>	<p>Support strategic objectives SO1, SO6, SO9, SO10</p>
<p><b>3. Support housing growth that meets the needs of the local population, including all sections of the community.</b></p>		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>• enhance opportunities for independence for people with disabilities</li> <li>• provide a range of dwellings to meet the needs of local people</li> </ul>	<p>Supports strategic objective SO6</p>
<p><b>4. Ensure that the area is easy and safe to move around in for all modes of transport and that the infrastructure continues to adequately serve the village as it grows.</b></p>		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>• provide an efficient transport network throughout the plan area</li> </ul>	<p>Supports strategic objectives SO4, SO8</p>
<p><b>5. Protect and maintain the existing rural landscape character.</b></p>		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>• create a safe, healthy environment for residents, visitors and people who work in the District</li> <li>• protect and enhance the architectural and historic character of the District</li> <li>• maintain the most valued habitats, wildlife species and geological and landscape features at current levels as a minimum and to seek opportunities for habitat enhancement and creation</li> <li>• enhance rural society and promote the rural economy</li> </ul>	<p>Supports strategic objectives SO10, SO11, SO12</p>
<p><b>6. Protect and enhance the natural environment.</b></p>		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>• create a safe, healthy environment for residents, visitors and people who work in the District</li> <li>• maintain the most valued habitats, wildlife species and geological and landscape features at current levels as a minimum and to seek opportunities for habitat enhancement and creation</li> <li>• enhance rural society and promote the rural economy</li> <li>• promote tourism in the District and to safeguard existing</li> </ul>	<p>Supports strategic objectives SO10, SO13</p>



Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Saved Policies of the Chester District Local Plan	Conformity with the Local Plan Part One: Strategic Policies (Submission Document, December 2013)
7. Ensure continued provision of a comprehensive range of local shops, services and community facilities that meets the needs of the local population.		<p>attractions, accommodation and facilities.</p> <p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>secure the essential link between the environment and the economy through sustainable development</li> <li>secure a healthy, vibrant economy throughout the Plan period</li> <li>promote tourism in the District and to safeguard existing attractions, accommodation and facilities</li> <li>provide a wide variety of sporting and recreational opportunities for residents and visitors</li> <li>safeguard and develop community facilities</li> <li>promote and enhance the enjoyment of the arts and culture and the District's rich heritage</li> </ul>	Supports strategic objectives SO1, SO2, SO5
8. Support a broad and sustainable local economy that provides job opportunities for residents of Malpas and Overton.		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>secure the essential link between the environment and the economy through sustainable development</li> <li>secure a healthy, vibrant economy throughout the Plan period</li> <li>enhance rural society and promote the rural economy</li> <li>promote tourism in the District and to safeguard existing attractions, accommodation and facilities</li> </ul>	Supports strategic objective SO1, SO2, SO3
9. Protect and enhance our heritage assets and the distinctive local character of the built environment.		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>protect and enhance the architectural and historic character of the District</li> <li>promote tourism in the District and to safeguard existing attractions, accommodation and facilities</li> <li>promote and enhance the enjoyment of the arts and culture and the District's rich heritage</li> </ul>	Supports strategic objective SO12
10. Promote sustainability and reduce carbon-dependent activities.		<p>Supports the following 'guiding principles' (from para 2.16):</p> <ul style="list-style-type: none"> <li>promote the conservation of energy and other natural resources</li> </ul>	Supports strategic objectives SO15, SO16
<b>1. Homes for All</b>			
<b>H1. New Housing</b>	Preferred location for new housing development. Support for brownfield redevelopment. Greenfield development on sites directly adjacent to existing built up area. Quantum of new development in line with emerging Local Plan figures for Malpas. Provides a site assessment matrix to help determine suitability for development.	<p>Policy HO7 allows only housing for agricultural workers in the open countryside but this now needs to be considered in the context of the NPPF and CWaC's current five year housing supply situation. Policy H1 is consistent with the current policy permission, with regards to the emerging Local Plan and the NPPF.</p> <p>EC20 (loss of the best agricultural land) remains an important consideration. H1 (of the Neighbourhood Plan) is consistent with this and the site assessment matrix provided includes consideration of agricultural land quality. EC20 may still override other considerations in H1.</p> <p>The preference for brownfield sites in H1 supports the infill development permitted by policies HO4 and HO5 of the adopted Local Plan.</p>	This policy re-iterates the policies STRAT2 and STRAT8 in the Local Plan Part One in relation to the number of houses proposed for Malpas.
<b>H2. Rural Housing Development</b>	Allowance for a very small number of dispersed individual dwellings in the rural area for agricultural workers, relative's accommodation and homes of exceptional innovative design and sustainability.	Policy H2 is in line with the policy framework provided by the retained Chester District Local Plan policies HO7 and EC23. The criteria described in EC23 are consistent with this policy. Replacement dwellings must also comply with HO11 and relatives' accommodation must comply with HO18; H2 is in conformity with these policies.	<p>Policy H2 is in line with the policy framework provided by the Local Plan Part One policies STRAT 8; STRAT9 and SOC2.</p> <p>The exceptions allowed in the countryside are in accordance with those permitted by STRAT 9. The policy also helps to support ENV6 in relation to high quality design and sustainable construction.</p>

Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Saved Policies of the Chester District Local Plan	Conformity with the Local Plan Part One: Strategic Policies (Submission Document, December 2013)
<b>H3. Housing type and tenure</b>	Conformity of policies on housing type/mix with the emerging Local Plan. Provision of affordable housing that specifically meets evidenced needs of Malpas Ward. 25% of new homes on developments of 10 or more to meet Lifetime Homes standard.	The requirement for specialist housing for older persons is in conformity with HO15.	Policy H4 provides local level detail to support SOC1 of the Local Plan Part One and refers specifically to the Malpas Ward figures from the SHMA which forms part of the evidence base to the emerging Local Plan.
<b>H4. Housing character and design</b>	New housing to reflect organic growth of Malpas. Developments of 30 dwellings at a time. Larger developments should include distinct character areas of up to 30 homes.	<p>The policy is in conformity with GE7 which seeks to promote local distinctiveness.</p> <p>Most of Malpas village is within a designated Conservation Area and development here will need to comply with ENC37 (with which policy H4 is in accordance).</p> <p>Design will also need to have regard to ENV5, ENV6 and ENV22.</p>	<p>Local level detail in line with policies STRAT2 and STRAT8 in the Local Plan Part One, allowing the form of new housing provision to reflect local characteristics. The requirement to respond to existing local character reflects the importance of protecting designated and non-designated heritage assets established by ENV5.</p> <p>The policy responds to directly to ENV6's direction to "respect local character and achieve a sense of place through appropriate layout and design".</p>
<b>2. Built Environment and Local Character</b>			
<b>BE1. Scale and Form of New Development</b>	Sets out consideration for the layout and scale of new development	<p>The policy is in conformity with GE7 which seeks to promote local distinctiveness.</p> <p>Most of Malpas village is within a designated Conservation Area. This policy effectively provides further local guidance on the application of ENV37 for sites within the Conservation Area. Development will also have to address ENV5, ENV6 and ENV22. New development will need to meet the open space requirements set out in SR5-7.</p>	<p>This policy re-iterates and supports policy ENV6 in the Local Plan Part One in relation to high quality design and sustainable construction and adds a local dimension to ensure that it can be specifically to the distinctive character of Malpas.</p> <p>The Neighbourhood Plan (and specifically the Character Study that forms part of its evidence base) plays an important role by articulating what is locally distinctive in Malpas and Overton.</p> <p>The requirement to respond to existing local character reflects the importance of protecting designated and non-designated heritage assets established by ENV5.</p>
<b>BE2. Design of New Buildings</b>	Sets out how the design of new buildings should be distinctive to the existing character of Malpas and Overton.	<p>The policy is in conformity with GE7 which seeks to promote local distinctiveness. Most of Malpas village is within a designated Conservation Area. This policy effectively provides further local guidance on the application of ENV37 for sites within the Conservation Area.</p> <p>Retail development must also address ENV53 and ENV55.</p>	<p>This policy re-iterates and supports policy ENV6 in the Local Plan Part One in relation to high quality design and sustainable construction and adds a local dimension to ensure that it can be specifically to the distinctive character of Malpas.</p> <p>The requirement to respond to existing local character reflects the importance of protecting designated and non-designated heritage assets established by ENV5.</p>
<b>BE3. Alterations and Extensions</b>	Sets out how the design of alteration and extensions to existing buildings should be distinctive to the existing character of Malpas and Overton.	<p>The policy is in conformity with GE7 which seeks to promote local distinctiveness. This policy re-iterates retained policy HO8 of Chester District Local Plan.</p> <p>Most of Malpas village is within a designated Conservation Area. This policy effectively provides further local guidance on the application of ENV37 for sites within the Conservation Area.</p> <p>ENV36 (complete demolition behind a retained facade) should also be applied to relevant proposals within the Conservation Area. In the Conservation Area proposals for satellite dishes must also address ENV76 and ENV77. HO9 will apply where proposals involve conversion to residential use.</p>	<p>This policy re-iterates retained policy ENV6 in the Local Plan Part One in relation to high quality design and sustainable construction and adds a local dimension to ensure that it can be specifically to the distinctive character of Malpas.</p> <p>The requirement to respond to existing local character reflects the importance of protecting designated and non-designated heritage assets established by ENV5.</p>

Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Saved Policies of the Chester District Local Plan	Conformity with the Local Plan Part One: Strategic Policies (Submission Document, December 2013)
<b>BE4. Character Buildings and Structures</b>	Sets out how the design of new buildings should maintain, respect and enhance the existing character of Malpas and Overton.	<p>The policy is in accordance with GE7 which seeks to promote local distinctiveness. Policy ENV47 of the Chester District Local Plan covers impacts upon locally important buildings. This policy effectively identified such buildings. Listed buildings are already protected by ENV45 and ENV46, which are unaffected by this policy.</p> <p>Most of Malpas village is within a designated Conservation Area. This policy effectively provides further local guidance on the application of ENV37 for sites within the Conservation Area. Design of houses will also need to have regard to ENV5, ENV6.</p> <p>The 'character building or structure' should be considered when applying ENV35 and ENV36 to proposals within the Conservation Area, which integrates with this policy.</p>	<p>This policy provides local level detail on buildings considered to be important to the community. This support policy ENV5, which covers both designated and non-designated heritage assets.</p> <p>The requirement to respond to existing local character reflects the importance of protecting designated and non-designated heritage assets established by ENV5.</p>
<b>BE5. Archaeology</b>	Sets out requirements for archaeological surveys and areas of potential archaeological significance.	<p>The policy is consistent with existing archaeology policy as expressed in ENV31-34.</p> <p>Most of Malpas village is within a designated Conservation Area. There is also a schedule monument and an Area of Archaeological Potential, which are identified on Figure 5.2 of the Neighbourhood Plan and referred to in Policy BE5 to ensure consistency.</p>	This policy supports policy ENV5 in the Local Plan Part One and provides further information on locally important archaeological features.
<b>3. Landscape Character and the Natural Environment</b>			
<b>LC1. Landscape Character and New Development</b>	Sets out requirements for protecting landscape character of new development.	Policy LC1 supports the aims of ENV20 and ENV24. New agricultural buildings must also comply with policy EC22; and rural workers dwellings to EC23. Policy SR17 ensures that existing footpaths and bridleways will not be lost through new development.	This policy supports policy ENV2 in the Local Plan Part One, providing further local detail. The requirement for new development in the rural area to be of an appropriate scale and to not harm the character of the countryside is in accordance with STRAT9. The policy furthers the aim of ENV6 to "be sympathetic to heritage, environmental and landscape assets".
<b>LC2. Renewable Energy</b>	Promotes appropriate renewable energy development. Sets out criteria for new renewable energy development in the area.	The support for renewable energy development in LC24 is consistent with ENV56 in the adopted plan, which needs to be read alongside other saved policies. The requirement to protect landscape character aligns with policy ENV24 of the adopted Local Plan.	Local level detail in line with policy ENV7 in the Local Plan Part One, supporting renewable energy and providing criteria to assess the landscape, visual and residential amenity impacts referred to in ENV7.
<b>LC3. Key Views</b>	Sets out requirements for new development to protect key Views.	The assessment of views must also address ENV38. Policy ENV38 effectively provides guidance by identifying the important views within, in or out of the conservation area (in addition to identifying views that do not affect the conservation area). Policy LC3 is in conformity with ENV38.	This policy supports policy ENV2 in the Local Plan Part One and provides local level detail on important views to be protected in the Neighbourhood Area, which forms an important local element of landscape character. The policy furthers the aim of ENV6 to "be sympathetic to heritage, environmental and landscape assets".
<b>LC4. Green Spaces and Corridors</b>	Policy seeks protection and enhancement of locally valued Green Spaces	<p>Some of the identified green spaces are also designated green spaces under Policy ENV17 and need to be considered under both policies.</p> <p>Where identified green spaces are amenity spaces within residential areas they are also protected by ENV18, which integrates with this policy. Policy LC</p>	This policy re-iterates and supports policies ENV3 and ENV4 in the Local Plan Part One, identifying and protecting important local green spaces and corridors. The policy furthers the aim of ENV6 to "be sympathetic to heritage, environmental and landscape assets".
<b>LC5. Biodiversity</b>	Enhancement of biodiversity through new development.	The policy is similar to ENV21 and aligns with this policy. It does not affect existing designations and policies to protect identified sites of nature conservation (i.e. ENV25-30).	This policy re-iterates and supports policy ENV4 in the Local Plan Part One and retained policies in the Chester District Local Plan. In addition it includes local level requirements on the treatment of tree and hedgerows, in terms of protection and new

Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Saved Policies of the Chester District Local Plan	Conformity with the Local Plan Part One: Strategic Policies (Submission Document, December 2013)
<b>4. Services and Facilities</b>			
<b>SF1. Village Centre</b>	Defines the village centre and promotes retail and community services in the centre.	This policy re-iterates and supports retained policies in the Chester District Local Plan that protect town centre uses (notably RET11-13, CF3, and CU1). It assists in the application of this policy by spatially defining the village centre.	The policy supports the approach and hierarchy of centres set out in policy ECON2, with Malpas at the 'local centres' level. The policies proposed support the 'key service centre' status assigned to Malpas by STRAT8. It supports ECON1 by promoting a competitive town centre environment with a range of commercial, retail, leisure, culture and office uses.
<b>SF2. Church Street</b>	Protection of character and retail and food offer on Church Street.	The policy is in conformity with GE7 which seeks to promote local distinctiveness. The Church Street area is within the existing village centre and so in accordance with the policies described above.	This policy supports ECON2, especially in relation to the paragraph within it titled "creating a strong evening economy". It also contributes to ECON3 by enhancing the local tourism offer and ENV5 by protecting the historic environment (e.g. by encouraging a viable and appropriate mix of uses).
<b>SF3. Upper Floors</b>	Encouragement of the use of upper floors in the village centre for office and residential use.	There are no equivalent policies within the adopted Local Plan but SF3 is in general accordance the Plan and does not conflict with any saved policies.	The policy is in accordance with ECON2 and supports the vitality of the local centre. It is in accordance with ECON2 by promoting the refurbishment of existing premises for continued employment use and promoting competitive town centre environments with a range of commercial, retail, leisure, culture and office uses.
<b>SF4. Community Infrastructure</b>	Sets out mechanism for provision of new community infrastructure through new development.	This is consistent with policy MI1 and assists in the application of this policy by providing a list of community needs and priorities to inform discussions with the local planning authority. Sports and recreation provision will be informed by the standards set out in SR1. New green space created under this policy must also respond to ENV23 in terms of maintenance.	This policy re-iterates and seeks to work with STRAT11, which seeks to ensure the delivery of infrastructure improvements to secure the future of sustainable communities. It provides a list of identified local transport and community infrastructure needs and priorities to inform discussions with CWaC.
<b>5. Supporting the Local Economy</b>			
<b>LE1. Flexible Workspace</b>	Promotes new flexible workspace development. Sets out criteria for identifying suitable locations for new flexible workspace	The policy is in general conformity with retained employment policies: EC2, EC6, EC11, EC14, EC21, RET14, HO10  The criteria proposed are in conformity with criteria set out in EC19. These are consistent with the criteria proposed in LE1, and also include additional criteria.	The policy is in general conformity with ECON1 and the promotion of sustainable economic growth and encouraging indigenous business growth. The criteria for siting the flexible workspace, close to the village centre are in accordance with ECON1's favourable consideration for proposals in accessible locations. The policy supports the 'key service centre' role identified in STRAT8 and provides further local direction to the paragraph in STRAT8 that states " <i>In the region of 10ha of land for business and industrial development in the rural area will enable small scale expansion of existing employment sites, and new sites within or on the edge of key service centres outside of Green Belt locations.</i> "
<b>LE2. Rural Diversification and Local Tourism</b>	Sets out criteria for identifying suitable locations for new small scale employment and tourism development in the rural area.	Policy EC1 supports agricultural diversification, with criteria which are consistent with this policy. The re-use of rural buildings must also comply with HO10, which is consistent with LE2. Support for home working is in accordance with policy EC12. Proposals for retail in the countryside must comply with RET14 (which does not conflict with LE2).  Proposals for tourism development will also have to comply with EC14, EC15, EC16 and EC18 (depending on the proposed use). LE2 is in conformity with local plan policy.	The policy is in general accordance with ECON1 and the promotion of sustainable economic growth and encouraging indigenous business growth. This policy supports STRAT8 in the Local Plan Part One and is also consistent with ECON 3 in terms of supporting agricultural diversification and enhancing the tourism offer, providing development is of a suitable scale and in an appropriate location. The exception allowing the re-use of existing rural buildings for economic purposes or to facilitate the growth of established businesses is in accordance with STRAT9.
<b>6. Transport and Communications</b>			
<b>TC1. Village Travel Plan</b>	Preparation of a village travel plan.	The policy is in general conformity with retained employment policies: ENV10, TR4, TR5, TR6, TR13, TR14, TR15, TR17, TR21, TR21, SR17, M1, TR19, TR20	This policy re-iterates and supports policy STRAT10 in the Local Plan Part One. It also sets out the mechanism for determining local travel needs and a mechanism by which developers can contribute to a holistic transport strategy.

Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Saved Policies of the Chester District Local Plan	Conformity with the Local Plan Part One: Strategic Policies (Submission Document, December 2013)
		The policy is in general conformity with TR1. Any proposals that may emerge as a result of this policy for improving the pedestrian environment in the village centre would be in conformity with TR3 and TR17.	
<b>TC2. Travel and Parking Impacts</b>	Sets out requirement for assessment of local travel impacts of new development.	This is in conformity with policies TR19 and MI1 and assists in the application of this policy by providing a list of community needs and priorities to inform discussions with the local planning authority.  Any proposals that may emerge as a result of this policy for improving the pedestrian environment in the village centre would be in accordance with TR3 and TR17. Any new car parks provided must also be in accordance with ENV10.	This policy re-iterates and supports policy STRAT10 in the Local Plan Part One and adds a list of identified local transport and parking needs and priorities to inform discussions with CWaC.  This is in accordance with the principles of STRAT11, which seek to ensure the delivery of infrastructure improvements to secure the future of sustainable communities.
<b>TC3. Pedestrian and Cycle Routes</b>	Provision of new safe, direct and attractive travel routes in new development.	The policy is in general conformity with TR1 and also with policy TR20 where new roads will be created.	This policy re-iterates and supports policy STRAT10 in the Local Plan Part One and provides further detail, and a mechanism of delivery, for new/improved pedestrian and cycle links in association with new development. This is in accordance with the principles of STRAT11, which seek to ensure the delivery of infrastructure improvements to secure the future of sustainable communities.

## 6 COMPATABILITY WITH EU REGULATIONS

### *Paragraph 2f*

*A draft neighbourhood development plan meets the basic conditions if -  
(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations*

- 6.1 The Strategic Environmental Assessment (SEA) is a requirement of the EU Directive on the assessment of the effects of certain plans and programmes on the environment. The requirements of the SEA Directive have been fully considered during the screening assessment for the Malpas and Overton Neighbourhood Plan assessment. An Environmental Screening and Habitats Regulation Assessment Statement has been prepared for the Neighbourhood Plan by CWaC.
- Article 8 – Right to respect for private and family life
  - Article 14 – Prohibition of discrimination
  - Protocol 12 – Article 1 – General prohibition of discrimination.
- 6.2 The screening assessment has been undertaken in accordance with the published government guidance "Sustainability Appraisal of Regional Spatial Strategies and Local Development plan Documents" (2005).
- 6.3 The screening assessment concluded that it is unlikely there will be any significant environmental effects arising from the Plan and that a Strategic Environmental Assessment is not required. It also concluded that the Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010).
- 6.4 The Malpas and Overton Neighbourhood Plan is considered to have met the following Human Rights Articles:
- Article 1 – Protection of property
- 6.5 The proposed policies within the Neighbourhood Plan do not give rise to any potential impacts on these Human Rights.
- 6.6 In conclusion it is considered that the Malpas and Overton Neighbourhood Plan is compliant with EU obligations.

---

## 7 PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS

*Paragraph 2g*

*A draft neighbourhood development plan meets the basic conditions if -  
(g) prescribed conditions are met in relation to the neighbourhood development plan and  
prescribed matters have been complied with in connection with the proposal for the  
neighbourhood development plan*

7.1 There are no other prescribed matters.

---

## 8 CONCLUSION

- 8.1 It is considered that the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 have been met by the Malpas and Overton Neighbourhood Plan.
- 8.2 In reviewing the Neighbourhood Plan against the appropriate framework of National and Local planning policies there were no conflicts apparent.
- 8.3 The information within this document demonstrates general conformity with Paragraph 8(1) (a) of the Town and Country Planning Act (1990); therefore it is recommended that the Development Plan should proceed to Referendum.