

**MINUTES OF MALPAS PARISH COUNCIL MEETING
HELD ON MONDAY 10TH JULY 2023
IN THE VICTORIA JUBILEE HALL, MALPAS AT 7.00PM**

	PRESENT Cllrs Tina Barnett, Roger Clifford, Sean Davies, Julie James Collins, Charles Higgle, Oryan Lightning, Karen Meredith, Martin Shackleton, Adrian Waddelove. Chris Whitehurst, Michael Williams (Chairman). The Clerk. One member of the public attended part of the meeting.
60.	APOLOGIES Cllrs Eric Bickley, Morgan Granger.
61.	DECLARATION OF INTERESTS Cllr Higgle declared a non-pecuniary interest in item 71 of the minutes as he is a member of the Malpas Joint Burial Board. Cllr Waddelove declared a non-pecuniary interest in item 71 of the minutes as he is a member of the Malpas Joint Burial Board. Cllr Lightning declared a pecuniary interest in item 74 of the minutes as he is a member of the Jubilee Hall Committee. Cllr Shackleton declared a non-pecuniary interest in item 93 of the minutes as his wife is the Clerk. Cllr Williams declared a non-pecuniary interest in item 74 of the minutes as his wife is a member of the Jubilee Hall Committee and item 83 as his wife is on the steering group. Cllr Whitehurst declared a non-pecuniary interest in item 71 of the minutes as he declared a pre-determination and Jackie Clegg is a fellow committee member of Malpas Community Links.
62.	APPROVAL OF THE MINUTES <u>Minutes of the Parish Council Extraordinary Meeting on 12th June 2023:-</u> Resolved:- The Chairman signed the minutes of the Parish Council Extraordinary Meeting held on 12th June 2023 as a true and proper record. Proposed by Cllr Davies and seconded by Cllr Clifford. <u>Minutes of the Parish Council Meeting on 12th June 2023:-</u> Resolved:- The Chairman signed the minutes of the Parish Council Business Meeting held on 12th June 2023 as a true and proper record. Proposed by Cllr Lightning and seconded by Cllr Clifford.
63.	OPEN FORUM The Council raised several queries with Jackie Clegg, Clerk to Malpas Joint Burial Board, regarding their grant application.
64.	INTERNAL PROCEEDURES Cllrs Waddelove, Whitehurst and Williams met to review the council's policies. A report is to be circulated regarding minor changes and a recommendation to review policies in 2024.
65.	AUGUST MEETING The Council considered whether to hold a business meeting of the Council in August. Resolved:- The Council agreed to hold a business meeting in August. Proposed by Cllr Shackleton and seconded by Cllr Whitehurst.
66.	COUNCIL VACANCIES Cllr Whitehurst suggested that the Council prepare a job description for the role of Councillor. Resolved:- The Council agreed to co-opt Julie James-Collins to fill the Casual Vacancy; she duly signed the Acceptance of Office. Proposed by Cllr Higgle and seconded by Cllr Clifford.

67.	POLICE REPORT The Council has written to the PCC to request an update regarding PCSO cover. Residents are urged to report all incidents of anti-social or criminal behaviour by calling 101.																										
68.	RURAL MARKET TOWNS GROUP The Council considered whether to take out annual membership of the Rural Market Towns Group at a cost of £74.00 and agreed not to take out membership.																										
69.	CHESHIRE COMMUNITY ACTION The Council considered whether to renew annual membership of the Cheshire Community Action at a cost of £50.00. Resolved:- The Council agreed to renew annual membership of the Cheshire Community Action at a cost of £50.00 p.a. Proposed by Cllr Whitehurst and seconded by Cllr Higgie.																										
70.	MALPAS JOINT BURIAL BOARD The Council considered the appendix and responses to the queries raised regarding the grant application for £5,000.00. It was felt that the Council did not have a choice regarding the request. Resolved:- The Council agreed to award a grant of £5,000.00 to Malpas Joint Burial Board and to pay for net items up to the value of £5,000.00 (the Council is to pay the invoices and then reclaim the VAT). The Council are to request evidence of the work. Proposed by Cllr Clifford and seconded by Cllr Lightning.																										
71.	ACCOUNTS 71.1 <u>To approve the following payments:-</u> <table border="1"> <thead> <tr> <th>Chq No</th><th>Payee</th><th>Statutory Power</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>567</td><td>Running Costs</td><td>s.111</td><td>£ 49.88</td></tr> <tr> <td>568</td><td>HMRC - PAYE June 2023</td><td>lga 112-119</td><td>£ 107.16</td></tr> <tr> <td>569</td><td>CHALC (training)</td><td>s.111</td><td>£ 25.00</td></tr> <tr> <td>570</td><td>Walkers Nurseries (planters and hanging baskets)</td><td>LGA 1972 S.144</td><td>£ 959.69</td></tr> <tr> <td>571</td><td>Victoria Jubilee Hall</td><td>s.111</td><td>£ 90.50</td></tr> </tbody> </table> The Clerk's salary was paid by standing order. Resolved:- The Council agreed to the above payments. Proposed by Cllr Higgie and seconded by Cllr Davies. 71.2 <u>Receipts Received as at 1st June 2023:-</u> None received. 71.3 <u>Accounts and Bank Reconciliation:-</u> The summary of Receipts and Payments was previously circulated. The reconciled balance in the current bank account as at 30 th June 2023 was £239,866.80. The funds are allocated as follows:- Parish Council - £56,388.33 New Homes Bonus - £23,265.78 Community Infrastructure Levy (CIL):- £155,684.33 Allotment Deposits (ring fenced in accounts):- £550.00 Allotment Maintenance funds (ring fenced in accounts):- £87.83 Neighbourhood Plan:- £8.72 Will Legacy:- £893.95 Christmas Tree (to be reimbursed) – (£12.14) Police Grant - £3,000.00			Chq No	Payee	Statutory Power	Amount	567	Running Costs	s.111	£ 49.88	568	HMRC - PAYE June 2023	lga 112-119	£ 107.16	569	CHALC (training)	s.111	£ 25.00	570	Walkers Nurseries (planters and hanging baskets)	LGA 1972 S.144	£ 959.69	571	Victoria Jubilee Hall	s.111	£ 90.50
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72.	FOCUS ON 2023 to 2024 - BUSINESS PRIORITIES AND PROJECTS The Council confirmed that Cllr Clifford is to lead on The Mossland including registering the land. Cllr Higgle is to prepare a draft document detailing the history of The Mossland. The Council confirmed that Cllr Higgle is to lead on the youth council. The Council agreed for the pavement on Chester Road to be included as a priority for the Council. Cllr Clifford expressed the need to ensure that the s106 and CIL funding held by CWaC is reconciled with the Council's records.
73.	LOGO Cllr Lightning is to circulate the amended Council logo.
74.	MEETING VENUE The Clerk has contacted the Jubilee Hall regarding change of room / day to hold the business meeting. In addition the Clerk has contacted the High Street Church and Young Persons Centre regarding availability to hold the monthly business meetings. Resolved:- The Council agreed to hold the monthly business meetings on the last Thursday of each month, apart from in December, at the High Street Church with effect from October 2023. The monthly surgery meetings are to take place at the Jubilee Hall. Proposed by Cllr Whitehurst and seconded by Cllr Waddelove.
75.	PLANNING 75.1 <u>Planning Applications:-</u> 75.1.1 23/00042/ENF - NATURE OF APPEAL: The change of land from agricultural to residential, the siting of three caravans for residential occupation in connection to the residential use of the land at Land Off Overton Heath Lane Malpas Observations:- The Council objects to this appeal after careful consideration of the observation given below, and would ask the Planning Inspectorate to dismiss the appeal. If the Planning Inspectorate is minded to allow this appeal the application the Parish Council would request that the following conditions be included: - That the site in question is cleared of scrap vehicles, tidied up and all non-agricultural items removed. - That the caravans/dwellings are conditioned for rural workers at this site in perpetuity Background Factors: Open countryside Relevant Malpas and Overton Neighbourhood Plan Policies: H2 Relevant Local Plan Part 1 Policies: Strat 9 Relevant Local Plan Part 2 Policies: DM19 Material considerations against development: Potential impact on neighbours: Unsightly outlook in the public domain Visual, noise and air pollution. Ground contamination. Potential impact on wider community: Unsightly outlook in the public domain. Visual, noise and air pollution. Ground contamination. Urbanising of the open countryside Other relevant information for consideration: The Parish Council understands that there were some family relationship issues that have potentially led to the current situation. However, the Parish Council would strongly object to upholding this appeal on the observations recorded below.

The clutter and menagerie on this site represents a complete “blot on the landscape” of what was once a peaceful rural agricultural setting. (See overall aerial view of the site)

One of the fields in the appellant’s ownership has been observed to be covered in ragwort. (Field Area 1 on accompanying map.)

The entrance being used to access the site is off the Bishop Bennetts Bridleway which is designated as a Triple SSSI site, and a local wildlife site.

The site is visible from the Public Right of Ways, Bishop Bennett’s Way and Footpath Malpas FP8. (See accompanying photographs in Appendix A.)

The Parish Council would like to know how many people are currently living on the site and in what accommodation?

If there is a proven need for residents to be located near to the site, then there is an existing registered caravan park located just ½ mile away at Alport Farm, Overton Heath Lane, Overton Common, Malpas, Cheshire, SY14 7DG.

Overton Heath Lane that could provide adequate accommodation for any essential rural workers.

Local Plan part 1: This location of the appeal site is covered by Strat 9 of the Local Plan Part 1 which states:

Strat 9 - Green Belt and Countryside

The intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements.

Within the countryside the following types of development will be permitted;

Development that has an operational need for a countryside location such as for agricultural or forestry operations.

Replacement buildings.

Small scale and low impact rural / farm diversification schemes appropriate to the site, location and setting of the area.

The reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction.

The expansion of existing buildings to facilitate the growth of established businesses proportionate to the nature and scale of the site and its setting.

Development must be of an appropriate scale and design to not harm the character of the countryside.

The general extent of the North Cheshire Green Belt will be maintained. Policy 'STRAT 3 Chester' sets out the proposed release of Green Belt to meet the development needs of Chester.

In settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the National Planning Policy Framework.”

In this respect the said development does not meet any of the conditions of Strat 9. Policy DM 19 (Proposals for residential development) of the West Cheshire Local Plan Part 2 states

- That there is good access to public transport;
- it is located within reasonable walking distance of local services and facilities along a safe route;
- there would be no greater impact on the character of the countryside;
- it would result in an enhancement of the site and the rural setting; and
- the design and layout of the development fully reflects the rural character of the area
- and does not 'urbanise' the countryside.

It is considered that 3 caravans plus the other non-agricultural items located in open countryside on this site have a huge urbanising effect on this rural setting.

Policy H2 of the Malpas and Overton Neighbourhood Plan states that *“Development of individual homes in rural area will be considered acceptable if they provide replacement dwellings”*

This development clearly does not provide replacement dwelling.

Policy H2 then goes on to say that

“They will be considered appropriate if they meet specific needs and deliver high standards of design and sustainability in accordance with the following criteria: -

- Required for rural workers in their place of work in this case it must apply in perpetuity

- New dwellings will be considered appropriate if they deliver homes off an exceptional, innovative design.

Design must be truly outstanding or innovative, demonstrating the highest standards in architecture and helping to raise the design standards in the rural area.

The design must also be sensitive to the defining characteristics of the local area “

Again, the location of three caravans on this site does not comply with the policy.

The Parish Council have strong concerns about the provision of 3 caravans in this location.

They would question as to what essential services are available i.e.:

Electricity Supply: (Electricity produced by generators will result in constant noise pollution from portable generators.)

Fresh Water Supply: Where is this fed from?

Foul Water and Sewerage Management: Without a proper SUDS system it is likely that pollution will impact on the Triple SSSI designated site and other adjacent farmland.

The Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.

75.1.2 23/01599/LBC - Replacement front first floor window at The Tithebarn Church Street Malpas

Observations:-

The Council would make the observations as documented below:

Background Factors: Within settlement boundary; Conservation area; Listed Building

Relevant Neighbourhood Plan Policies: BE3, SF2

Other relevant information for consideration: *The Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.*

Proposed by Cllr Shackleton and seconded by Cllr Higgle.

75.2 To consider any applications received after the agenda has been distributed:-

23/01774/CAT- Yew (T8, T9) - Crown lift to 2.5m over footpath at St Oswalds Church Church Street Malpas

Observations:-

Malpas Parish Council objects to this application after careful consideration of the observation given below.

Background Factors: Within settlement boundary; Conservation area; Listed Building

Relevant Neighbourhood Plan Policies: LC1 and LC4

Potential benefits to the community: None identified

	Potential impact on neighbours: The removal of any part of a healthy living tree will result in a reduction of carbon capture capability and is likely to cause an increase in pollution in the local area. Potential impact on wider community: The removal of any part of a healthy living tree will result in a reduction of carbon capture in the area leading to an increase of polluted air in the vicinity. Other relevant information for consideration Malpas Parish Council do not support the removal, cutting back of any healthy living tree unless it poses a danger to life. The Council objects to this application on the basis that the individual yew trees do not pose a risk to life, and are making a vital contribution to area's carbon reduction. Yew Trees (<i>Taxus baccata</i>) are a slow growing, long-lived native evergreen tree. The Yew is a medium-sized, evergreen tree commonly found in churchyards. <i>This association with Christian religion (and possibly even older beliefs) and its ability to reach extreme old age have ensured that Yew is now surrounded by many myths. In fact, the dead were sometimes buried beneath Yew trees to 'protect' them.</i> It is therefore highly likely that these Yew trees are at least as old as St Oswald's church itself. (14th Century) These ancient Yew trees in St Oswald's Churchyard provide a home for many wildlife species. Any cutting operation will result in the trees taking years to recover. <i>The Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.</i> Proposed by Cllr Shackleton and seconded by Cllr Higgie. 75.3 <u>Recent decisions by CW&C:-</u> <u>Approved / Decided:-</u> 21/02754/FUL - The Nest Old Hall Street Malpas 21/04077/LBC - The Nest Old Hall Street Malpas 23/00883/FUL - Holly House Old Hall Street Malpas 23/00884/LBC - Holly House Old Hall Street Malpas 23/01218/FUL - The Bickerton Cross O Th Hill Road Malpas
76	MONTHLY SURGERY Cllrs Whitehurst updated the meeting regarding the following matters which were raised at the surgery:- - Speeding on Church Street - Request for 30 mph speed limit on Old Hall Street - Licencing for car boot - Hedge alongside footpath FP10 to be cut back - Double yellow Lines to be installed at the end of Hughes Lane - Crossing at the primary school rear entrance - Request for stile on FP14 to be replaced with a kissing gate
77.	NEIGHBOURHOOD PLAN The attached minutes of the meeting of the Steering Group held on Thursday 22nd June 2023 were circulated to the Council.
78.	THE MOSSLAND 78.1 <u>Allotments:-</u> Update:- Plot 10 has advised they wish to give up their plot; the Chairman of the AA has advised that the deposit is not refunded due to the state of the plot. Arrangements are in process to terminate the agreement.

	Plot 12 has been sent a letter regarding the state of the plot. Two new enquiries have been received and passed onto the Chairman of the Allotments Association. 78.2 <u>S.106 funding:-</u> A report was circulated regarding applying to CWaC for s106 funding to pay to install footpaths at the allotment site. 78.3 <u>Trees at the Mossland:-</u> The Council deferred appointing a tree monitor for the saplings at The Mossland. 78.4 <u>Ponds:-</u> Update:-The planning permission is yet to be granted. The Clerk has requested an update regarding dates for the installation of the ponds.
79.	HIGHWAYS 79.1 <u>B5395 Speed Limit:-</u> CWaC is due to advise regarding the costs to implement a speed reduction on the B5395. 79.2 <u>Tilston Road Speed Limit:-</u> The Council is to contact CWaC to request that a speed assessment be carried out for the length of the road from Malpas to Tilston. 79.3 <u>Speed Gun:-</u> The police advised they are temporarily unavailable for speed watch sessions.
80.	FOOTPATH 10 The Council has received a quote of £1,900.00 from CWaC to carry out work to improve Footpath 10 (from the bowling club walkway from Hughes Lane to the Church). Ward Cllr Williams has contacted the Council to see if they will contribute 50% towards the cost; she will pay the other 50% with her members budget. Resolved:- The Council agreed to pay £950.00 towards the cost to improve Footpath 10 (the bowling club walkway from Hughes Lane to the Church). Proposed by Cllr Shackleton and seconded by Cllr Clifford.
81.	REMEMBRANCE SUNDAY Cllr Whitehurst is to contact the Rector to confirm the arrangements for the Remembrance Sunday parade. The Council will then consider arrangements for the road closure at the August meeting.
82.	HIGH STREET CAR PARK The Council is to ask Ward Cllr Williams to request an update from CWaC regarding the situation.
83.	CHRISTMAS There is no update.
84.	COMMUNITY RESILIENCE PLAN The contact names in the Plan need to be updated. Cllr Waddelove queried the need for the plan and the list of equipment that is to be purchased and where the items would be stored. Cllr Lightning volunteered to take over as lead on the CRP; he is to speak with the current lead, Cllr Granger, and to report back to the next meeting.
85.	CCTV Cllr Lightning advised the meeting how long the data is retained. The order has been placed with Barlows to install CCTV in the High Street car park and is due to be installed later this month.
86.	FACEBOOK Cllr Lighting advised that the new Facebook page is up and running.
87.	LOCAL WILDLIFE SITES Cllr Clifford circulated a report regarding Local Wildlife Sites in the Overton Heath area; the purpose is to record wildlife and protected plant species siting's in the Overton Heath area

	and report these to Cheshire Wildlife Trust. The purpose is to help protect against development and to protect nature.	
88.	CLERK'S REPORT	
	No.	Item
	88.1	Bus Shelter Old Hall Street
	88.2	The Cross
	88.3	Community Minibus
	88.4	S.106 funding
	88.5	Internal Procedures meeting
	88.6	Mossland Site Visit
	88.7	Speeding on Church Street
	88.8	Hanging Baskets
	88.9	Planters
89.	EXTERNAL CORRESPONDENCE INCLUDING SUGGESTION BOX	
	List previously circulated to Cllrs.	
90.	UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES	
	There were no updates.	
91.	PART 2 PRESS AND PUBLIC Resolved:- To resolve to exclude the press and members of the public as the items to be discussed relate to employment and contractual matters and are of a sensitive nature. Proposed by Cllr Higgle and seconded by Cllr Meredith.	

The meeting closed at 9.20 p.m.

NB copies of the attachments can be obtained from the Parish Clerk