

**MINUTES OF MALPAS PARISH COUNCIL MEETING
HELD ON MONDAY 14TH AUGUST 2023
IN THE VICTORIA JUBILEE HALL, MALPAS AT 7.00PM**

	PRESENT Cllrs Tina Barnett, Roger Clifford, Sean Davies, Julie James Collins, Oryan Lightning, Chris Whitehurst, Michael Williams (Chairman). The Clerk. No members of the public attended the meeting.
94.	APOLOGIES Cllrs Eric Bickley (personal reason), Morgan Granger (personal reason), Charles Higgle (working), Karen Meredith (personal reason), Martin Shackleton (personal reason), Adrian Waddelove (personal reason).
95.	DECLARATION OF INTERESTS Cllr Lightning declared a non-pecuniary interest in item 114 of the minutes as he is a member of the Christmas Steering Group. Cllr Williams declared a non-pecuniary interest in item 111 of the minutes and a non-pecuniary interest in item 114 of the minutes as he is a member of the Christmas Steering Group. Cllr Whitehurst declared a non-pecuniary interest in item 105.1.2 as he is an acquaintance of the applicant.
96.	APPROVAL OF THE MINUTES <u>Minutes of the Parish Council Meeting on 10th July 2023:-</u> Resolved:- The following was added to Item 84 “the need for the plan”. The Chairman then signed the minutes of the Parish Council Business Meeting held on 10th July 2023 as a true and proper record. Proposed by Cllr Lightning and seconded by Cllr Barnett.
97.	OPEN FORUM In the absence of any members of the public there was no consideration of this item.
98.	INTERNAL PROCEEDURES Cllrs Whitehurst previously circulated a report regarding updates and a review of the Council’s policies.
99.	NEW COUNCILLOR INDUCTION Cllr Whitehurst is to arrange a briefing session in September to inform new councillors of ongoing work and the operations of the Council.
100.	COUNCIL VACANCIES Two residents have mentioned that they are interested in being co-opted; they have yet to submit a formal expression of interest.
101	POLICE REPORT A card has been sent to the family of the late PCSO Jon Hurst on behalf of the Council to pass on the Council’s condolences on his recent passing. The Council considered a memorial to commemorate his time serving the village. This is to be considered at the September meeting.
102.	MALPAS ALPORT PTA GRANT Following Malpas Alport PTA’s recent meeting with CWaC Highways, a report has been submitted by Malpas Alport PTA to the Council with a revised grant request for the sum of £600.00. The report has been circulated to Cllrs. Resolved:- The Council considered the request from Malpas Alport PTA and agreed to the revised grant amount of £600.00 for road safety measures. Proposed by Cllr Clifford and seconded by Cllr Barnett.

103.

ACCOUNTS

103.1 To approve the following payments:-

Chq No	Payee	Statutory Power	Amount
572	HMRC - PAYE June 2023	lga 112-119	£ 112.62
573	Running Costs / Backdated Pay	s.111 / lga 112-119	£ 86.66
574	Cheshire Community Action	s.111	£ 50.00
575	Barlows (install CCTV @ High Street car park)		£ 3,108.00
576	Victoria Jubilee Hall	s.111	£ 29.00
BACS	Amberon (road closure Remembrance Sunday)		£ 684.00

The Clerk’s salary was paid by standing order.

Resolved:- The Council agreed to the above payments.

Proposed by Cllr Lightning and seconded by Cllr Davies.

103.2 Receipts Received as at 31st July 2023:-

None received.

103.3 Accounts and Bank Reconciliation:-

The summary of Receipts and Payments was previously circulated.

The reconciled balance in the current bank account as at 31st July 2023 was £239,839.71.

The funds are allocated as follows:-

Parish Council - £56,361.24

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

103.4 Budget to date:-

The Council received and noted the budget to date as at 30th June 2023.

103.5 S.106:-

The CWaC figures for s106 monies that have been allocated to Malpas have been circulated to Cllrs.

Ward Cllr Rachel Williams is in the process of setting up a meeting with CWaC, to discuss s106 fund available. Cllrs Clifford, Whitehurst and the Clerk are to attend the meeting.

104.

BUSINESS PRIORITIES AND PROJECTS

The Council reconfirmed the Council’s top priority is the completion of the car park project.

105.

PLANNING

105.1 Planning Applications:-

105.1.1 23/02397/CAT - 1 x Pine (next to main entrance) - remove hanging branches over main driveway 1 x Holly Oak (opposite main entrance) - reduce to clear building by 2.5/3 m 2 x Sycamore and 2 x Holly (behind chapel building) - reduce/remove limbs to give a clearance of at least 2.5 / 3 m 2 x Dead Holly stems at Cemetery Lodge Chester Road Malpas

Observations:-

The Council would make the observations as documented below:

If CWaC is minded to approve the application the Council would request that the following conditions be included:

1/ To the provision of two new trees being planted for every tree that is felled in line with Local Plan policy DM45 and Neighbourhood Plan policy LC4. The trees should not be saplings but sufficiently mature, with rabbit guards, to ensure that they are given the best chance of growing to maturity.

2/ Bat Boxes be provided on site

Background Factors: Within settlement boundary; Conservation area

Relevant Malpas and Overton Neighbourhood Plan Policies: LC4, BE4

Relevant Local Plan Part 2 Policies: DM45

Positive aspects of development: 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 and is likely to cause an increase in pollution in the local area and could have an adverse effect on the air quality.

Other relevant information:-

- The Chapel of Rest at the Cemetery is a listed character building under the Malpas and Overton Neighbourhood Plan (See Appendix D, page 77.), and any work done must not have a detrimental effect to the setting of the building.
- The Council does not support the removal or cutting back of any healthy living tree unless it poses a danger to life.
- The Council note that this application does not include a tree report. The Council is aware that many bats roost in the trees around the Cemetery, and would ask that any approval includes a condition to provide Bat boxes on the site to mitigate against the loss of any habitat.
- *The Council like CWaC, 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 Lightning and seconded by Cllr Davies.

105.1.2 23/02493/CAT - Removal of 4x self-seeded Sycamores (T1-T4) in a wall on top of a bank at Bank Cottage Old Hall Street Malpas

Observations:-

The Council would make the observations as documented below:

If CWaC is minded to approve the application the Council would request that the following conditions be included:

1/ That the approval be conditioned that two new trees are planted for every tree that is felled in line with Local Plan policy DM45 and Neighbourhood Plan policy LC4. The trees should not be saplings but sufficiently mature, with rabbit guards, to ensure that they are given the best chance of growing to maturity.

Background Factors: Within settlement boundary; Conservation area

Relevant Malpas and Overton Neighbourhood Plan Policies: LC4, BE4

Relevant Local Plan Part 2 Policies: DM45

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 and is likely to cause an increase in pollution in the local area and could have an adverse effect on the air quality.

Other relevant information

The Council does not support the removal or cutting back of any healthy living tree unless it poses a danger to life.

The Council note that this application does not include a tree report.

The Council like CWaC, 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 Lightning and seconded by Cllr Davies.

105.1.3 Amendments / additional information in respect of 23/01459/FUL - Erection of 17 dwellings and associated access and works at Land To The West of Lynchet Road Malpas

Observations:-

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

If CWaC Planning Authority is minded to approve the application the Council would request that the following conditions be included: The conditioning of a "Bond" that would provide compensation for clean-up of any future flooding experienced by neighbouring properties due to a failure of the drainage system installed on the development site.

Background Factors: Within settlement boundary; The site is adjacent to the Malpas Conservation Area.

Relevant Neighbourhood Plan Policies: H1, H3, H4, BE1, BE2, BE5, LC4 and S4
Potential benefits to the community: The development supports the Community's drive to become a "greener" place through the inclusion of EV charging points, and photo/solar panels on all dwelling roofs.

Potential impact on neighbours: Increased risk of flooding of the immediate neighbours.

Potential impact on wider community: The inability of the existing surface and foul water drainage infrastructure to effectively manage the increased rainfall and the impact of climate change.

Positive Aspects of the Development.

The Parish Council would commend Archway Homes for their attention to detail in this application which probably makes this the most "green" development in Malpas to date; this by way of:

- EV charging points on all Dwellings
- Photo/solar panels on all Roofs.
- Low level lighting bollards to mitigate against site light pollution.
- Bird and Bat Boxes.
- Hedgehog corridors and gates.
- Bug Hotels
- Fruit trees and native hedging plants.
- Pre heating of the domestic water via the solar panels.

Development Character:

Although not referenced in the application, the council is pleased that Archway Homes are proposing to build 8 different styles of dwellings on the site; this satisfying the requirement in the Malpas and Overton Neighbourhood Plan for enhancing the character Malpas by the inclusion of varied vernacular architecture.

Malpas was assessed by CWaC as having the capability as a Key Service Centre to be sustainable between 2010 and 2030 for the addition of 200 new dwellings. Currently over 400 new dwellings have been granted permission with approximately 350 having already been completed.

Even though this development is proposed for only 17 new dwellings, it will put increased pressure on the community facility infrastructure i.e. Allotments, education, social services, health, car parking, play and open space and sports facilities.

The Development Site:

Malpas sits on the end of the Sandstone ridge where the topography changes in the landscape are acute.

At the lower end of the village is an area which is populated by a number of natural springs, and flooding of this area has been an issue over centuries. The evidence is based in the places names i.e. Springfield Road and Avenue, Well Street and Well Meadow.

It is noted that the development site sits higher in the landscape, located half way up one of the three “valleys” in the village which all meet at the bottom of Well Street and Springfield Road.

A drainage solution needs to be found that has sufficient capacity to not only cope with these 17 additional properties, but will also take account of expected increased rainfalls associated with Climate Change

Drainage

The Council is also aware that the drainage system for the recent neighbouring development of Lynchet Road estate has yet to be signed off by Welsh Water. Over the last 6 weeks there has been very heavy rainfall events resulting in flooding, and the residents of Lynchet Road have voiced their concerns regarding the capability of the existing drainage system.

Whilst considerable additional work has been carried out on the adjoining Lynchet Road development to mitigate flooding, that system remains unproven.

The drainage for both sites will combine, greatly increasing the risk of flooding.

The Council therefore recommend that the planning Authority revisits the Flood Risk assessment for the Lynchet Road development, which again is likely only to be based only on historic data, and not taking into account current data and climate change. Despite recent improvements in the drainage infrastructure at Well Meadow, the area continues to flood during heavy rainfalls.

The Council would want assurance that any Surface or Sewerage water run offs will not overload the existing drainage system capacities, nor result in increased flooding risk to any of the village’s existing properties.

The Council is also aware that previous drainage systems designed by Betts Hydro have only taken account of historic data, and not the effects we are starting to see with climate change.

The outcome is that these installed systems have resulted in frequent flooding. Example of a development in Rossett provided.

The Parish Council would therefore request that the Planning Authority review the flood risk assessment carried out on the development site by Betts Hydro. They would like the assessment to be revisited using not only historic data, but also taking into consideration recent data for the area and climate change.

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 Lightning and seconded by Cllr Davies.

105.2 To consider any applications received after the agenda has been distributed:-
None have been received.

	105.3 <u>Recent decisions by CW&C:-</u> <u>Approved / Decided:-</u> 23/01376/FUL – The Mossland Malpas 105.4 <u>Street Name:-</u> Consultation 23/00096/NEWDEV- Waterfield Road – name Penny Court Resolved:- The Council agreed to submit a report to request that the street be named as Cockpit Croft Court as it provides a clear reference to the village's historic past. Proposed by Cllr Clifford and seconded by Cllr Davies. 105.5 <u>Proposed Telecommunications Base Station Upgrade:-</u> Resolved:- The Council agreed to support the Proposed Telecommunications Base Station Upgrade at Chester Road, Banks Farm, Malpas. Proposed by Cllr Clifford and seconded by Cllr Davies.
106	NEIGHBOURHOOD PLAN Cllr Whitehurst circulated a report with an update regarding the current national position regarding planning laws and recommendations and required actions. Cllr Whitehurst has spoken with the CWaC Lead on Neighbourhood Plans regarding the options for the Malpas Neighbourhood Plan which are as follows:- 1: Do nothing at this time, but attend meetings and/or lobby CWaC when they do revise their Local Plan to ensure that it reflects any changes the Parish Council want to see. 2: Just amend the area covered by the existing NP to align with the new Malpas parish boundary. 3: Minimal Change - as option 2 but to include policies and map of Green spaces and corridors. 4: Some minor changes to existing policies; as option 3 above plus amendments to policies H1, BE1, BE2, LC1 LC4, LE1 and LE2 and to also additional Communication and Transport policies 5: Changes and additions to a number of policies to include option 4 plus amendments to most of the other policies that take full account of the Cheshire Voluntary Action report recommendations. All options with the exception of option 1, would require alterations to the Neighbourhood Plan and the idea floated was that the new research the Council has commissioned could be included as an addendum to the plan. CWaC didn't think that would ease the approval process. CWaC seemed quite keen to put off any immediate work on the plan and suggested that anything more than correcting typos and changing references would require the intervention of an Examiner, a public consultation and, potentially, a referendum. Other local Councils are now rethinking the merits of an updating to their Neighbourhood Plan's. Also, CWaC was about to start a revision of their Local Plan and it might be better to wait for that to be completed CWaC were interested in the Council's work on Design Codes. CWaC have commissioned Cheshire Wildlife Trust (CWT) to document the green spaces and wildlife corridors across the borough. CWaC suggested that designating our own green spaces was the best chance of protecting land within the Settlement Boundary from development. Work with CWT could prove to be a valuable in documenting all the green spaces and corridors in our parish. Further Project Costs need to be considered:- - Resource future resource time required from Steering Group members has yet to be determined and will be dependent on the option chosen. - Financial costs have not yet been established and again will be dependent on the chosen option.

	- The Neighbourhood Planning Support Programme has now re-opened and it may be possible that any required further work or studies undertaken, could be covered with a grant. There are likely to be some costs for the Parish Council to pick up e.g. room hire for meetings. CWaC's Recommendation was that any resources the Council has may be better engaged in contributing to the review of the CWaC Local Plan and making sure it provided policies that met the Malpas Parish needs. Resolved:- The Council considered the Neighbourhood Plan Steering Groups Recommendations to the Parish Council and agreed to the following options 2 and 3:- 2: Just amend the area covered by the existing NP to align with the new Malpas parish boundary. 3: Minimal Change - as option 2 but to include polices and map of Green spaces and corridors. Proposed by Cllr Clifford and seconded by Cllr Whitehurst.
107	MONTHLY SURGERY Cllrs Whitehurst updated the meeting regarding the following matters which were raised at the surgery:- - Wrexham Road (various concerns including traffic, overgrown hedges affecting the pavements; road safety); - Tilston Road:- speeding concerns; - St Oswalds Close:- overgrown hedges which border with the Bovis estate; poor state of the pavements; moss on the play area. - Bishop Heber High School:- query why there are no double yellow lines at the entrance.
108.	THE MOSSLAND 108.1 <u>Allotments:-</u> Update:- Plot 8 – amendment made to name(s) on tenancy agreement. Plot 10 – invoice and paperwork has been sent to new allotment holder Plot 12 - responded to the letter sent regarding the state of the plot to advise they wish to terminate their agreement as at 31st August 2023. The Allotments Association is due to hold their AGM. 108.2 <u>S.106 funding:-</u> There is a sum of £6,300.00 s106 monies allocated towards the provision of allotments in Malpas. Cllr Clifford is looking into applying to CWaC for s106 funding to pay for improvements to the allotments site. 108.3 <u>Trees at the Mossland:-</u> The recently planted saplings at The Mossland may have to be relocated within the site. 108.4 <u>Ponds:-</u> Update:- The planning permission has been granted. Cllr Clifford updated regarding the planned works and dates for the installation of the ponds by CWaC at The Mossland site.
109.	HIGHWAYS 109.1 <u>B5395 Speed Limit:-</u> CWaC has advised that the costing estimate to implement the proposed speed limit on Old Hall Street is likely be £9,000.00 plus VAT (with the Council to fund 50% estimated at £4,500.00 plus VAT). CWaC are awaiting confirmation of the costs from Colas. As

	the costs are more than they were first estimated the Council need to consider the revised quote. Ward Councillor Rachel Williams has advised that she is happy to support the speed reduction on Old Hall Street and contribute £1,000.00 from her Members Budget. Therefore, this would mean that the cost to the Council to implement the speed policy would be £3,500.00. CWaC have clarified that the final recommendations for the speed limit on the B5395 in the CWaC report dated 27/01/2020 were as follows:- - Old Hall Street from the 30mph speed limit in Malpas to Chorlton Villas – 40 mph. - from Chorlton Villas to the borough boundary – 50 mph. Resolved:- The Council agreed in principle to support the speed limit subject to the following:- - The Clerk is to clarify with CWaC whether the speed limit can only go to the parish boundary; - If this is possible, the Clerk is to clarify the cost; - The Clerk is to contact neighbouring parish meetings (Agden and Tushingham, Macefen and Bradley) to request that they contribute a third towards the cost to implement the speed limit to the border. Proposed by Cllr Clifford and seconded by Cllr Lightning. 109.2 <u>Chester Road Pavement:-</u> Cllr Williams advised that CWaC is re-costing the options for installing a pavement on Chester Road. 109.3 <u>Tilston Road Speed Limit:-</u> CWaC has advised that the speed limit assessment for Tilston Road be deferred until the Old Hall Street speed reduction is complete.
110.	FOOTPATH 10 110.1 <u>Members Funding:-</u> The request for £950.00 from Members Funding to contribute towards improvements to footpath 10 has been submitted to CWaC. 110.2 <u>Purchase Order:-</u> Resolved:- The Council are to liaise with the landowner regarding the works. The Council agree to placed purchase order for improvement works to Footpath 10 from Hughes Lane to the Church (total cost £1,950.00). The cost is to be met by the funding of £950.00 from the Members Budget and £950.00 by the Council. Proposed by Cllr Clifford and seconded by Cllr James Collins.
111.	HIGH STREET CAR PARK The Council is waiting to hear back regarding access issues.
112.	CCTV Cllr Lightning advised that the CCTV has now been installed in the High Street car park. Signage is due to be put up by Barlows.
113.	REMEMBRANCE SUNDAY The Remembrance Sunday parade will be taking place in the village. Resolved:- The Council agreed to the following:- - To pay £684.00 to Amberon in respect of the road closure for the Remembrance Sunday parade; - The Clerk is to submit the Remembrance Day Application Form (2023) to CWaC. Proposed by Cllr Clifford and seconded by Cllr Davies.
114.	CHRISTMAS The Clerk is working with the Christmas Steering Group regarding the arrangements that are required to hold the event including licences and insurance.
115.	COMMUNITY RESILIENCE PLAN (CRP) Resolved:- The Council suggested that Cllrs Granger and Lightning work together as joint lead for the CRP.

	Proposed by Cllr Clifford and seconded by Cllr James Collins.																										
116.	FACEBOOK Cllr Lightning advised that the new Facebook page is now up and running.																										
117.	LOGO Cllr Lightning previously circulated the amended logo. Resolved:- The Council agreed to accept and trial the new logo. Proposed by Cllr Clifford and seconded by Cllr Barnett.																										
118.	FINAL LOCAL WILDLIFE SITES Cllr Clifford advised that the list of Local Wildlife Sites have now been registered with the county plan.																										
119.	CLAYHOLE CROFT Cllr Whitehurst advised that Shelly Vickers has volunteered to tidy up the site. Resolved:- The Council agreed to confirm the appointment of Cllr Whitehurst as the lead councillor for the Clayhole Croft. Proposed by Cllr Clifford and seconded by Cllr Williams.																										
120.	COMMENTS ON FACEBOOK The Council received a report regarding an allegation that was recently made on Facebook. Resolved:- The Council agreed to take legal advice regarding the matter before deciding what course of action to take. Proposed by Cllr Clifford and seconded by Cllr Lightning.																										
121.	CLERK'S REPORT <table><tr><th>No.</th><th>Item</th><th>Update</th></tr><tr><td>121.1</td><td>Bus Shelter Old Hall Street</td><td>Update regarding road markings are due when ward walk takes place.</td></tr><tr><td>121.2</td><td>The Cross</td><td>The Clerk is to arrange site visit with Historic England to talk through the scope of the work that is required for The Cross.</td></tr><tr><td>121.3</td><td>LCAS</td><td>On 8th August, the Clerk attended a session regarding Local Council Accreditation Scheme – slides are to be circulated. The Council is to consider this at the September meeting.</td></tr><tr><td>121.4</td><td>Community Minibus</td><td>MCMA has replied to advise it is not necessary to have a Council representative attending their meetings and to keep the link open as and when required.</td></tr><tr><td>121.5</td><td>Room Hire</td><td>The Clerk has booked the monthly business meetings on the last Thursday of each month, apart from in December, at the High Street Church. This will take effect from October 2023. An email was sent to the Jubilee Hall to cancel the monthly business meetings. An email was sent to Young Persons Centre to advise regarding monthly business meetings.</td></tr><tr><td>121.6</td><td>Training</td><td>Booked Cllr Davies to attend Code of Conduct training.</td></tr><tr><td>121.7</td><td>PCSO</td><td>Sympathy Card sent to the family of Jon Hurst.</td></tr></table>			No.	Item	Update	121.1	Bus Shelter Old Hall Street	Update regarding road markings are due when ward walk takes place.	121.2	The Cross	The Clerk is to arrange site visit with Historic England to talk through the scope of the work that is required for The Cross.	121.3	LCAS	On 8 th August, the Clerk attended a session regarding Local Council Accreditation Scheme – slides are to be circulated. The Council is to consider this at the September meeting.	121.4	Community Minibus	MCMA has replied to advise it is not necessary to have a Council representative attending their meetings and to keep the link open as and when required.	121.5	Room Hire	The Clerk has booked the monthly business meetings on the last Thursday of each month, apart from in December, at the High Street Church. This will take effect from October 2023. An email was sent to the Jubilee Hall to cancel the monthly business meetings. An email was sent to Young Persons Centre to advise regarding monthly business meetings.	121.6	Training	Booked Cllr Davies to attend Code of Conduct training.	121.7	PCSO	Sympathy Card sent to the family of Jon Hurst.
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122.	EXTERNAL CORRESPONDENCE INCLUDING SUGGESTION BOX List previously circulated to Cllrs.																										
123.	UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES There were no updates.																										
124.	PART 2 PRESS AND PUBLIC Resolved:- To resolve to exclude the press and members of the public as the items to be discussed relate contractual matters and are of a sensitive nature. Proposed by Cllr Williams and seconded by Cllr Lightning.																										

The meeting closed at 9.35 p.m.

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