

**DRAFT MINUTES OF MALPAS PARISH COUNCIL MEETING
HELD ON THURSDAY 30TH NOVEMBER 2023
IN MALPAS COMMUNITY CHURCH, HIGH STREET, MALPAS AT 7.00 PM**

	PRESENT Cllrs Tina Barnett, Roger Clifford, Julie James Collins, Morgan Granger, Charles Higgle, Oryan Lightning, Karen Meredith, Martin Shackleton, Adrian Waddelove, Michael Williams (Chairman). The Clerk. No members of the public attended the meeting.
188.	APOLOGIES Cllr Eric Bickley (personal reason), Sean Davies (personal reason), Chris Whitehurst (personal reason), Berthold Schoene (personal reason).
189.	DECLARATION OF INTERESTS Cllr Higgle declared a non-pecuniary interest as he is a member of the Malpas Joint Burial Board. Cllr Lightning declared a non-pecuniary interest in item 196.1 of the minutes as he is a member of the Christmas Steering Group. Cllr Shackleton declared a pecuniary interest in item 220 of the minutes as he is married to the Clerk. Cllr Williams declared a non-pecuniary interest in item 196.1 of the minutes as he is a member of the Christmas Steering Group.
190.	APPROVAL OF THE MINUTES <u>Minutes of the Parish Council Meeting on 26th October 2023:-</u> Resolved:- The Council approved the minutes of the Parish Council Meeting held on 26th October 2023. The Chairman signed the minutes as a true and proper record. Proposed by Cllr Higgle and seconded by Cllr Lightning.
191.	OPEN FORUM - Rev Janine Arnott, St Oswalds Church, spoke to the meeting regarding the role of the church in the local community and welcomed suggestions from Councillors. - Cllr Waddelove raised concerns regarding the reduction in hours at the post office in the village. The Council is to write to the owners to request that they reconsider their decision. - Cllr Clifford updated the meeting regarding the concerns that he has raised as an individual with the Charities Commission about the operation of the Recreation Ground Committee.
192.	INTERNAL PROCEEDURES The Council agreed to meet at 7pm on Monday 8th January 2024 at the Jubilee Hall to go through the Standing Orders, the Financial Regulations and to review / amend council policies.
193.	CHESHIRE COUNCILLOR OFFICER PROTOCOL This is to be considered at the meeting to consider the Council's internal procedures.
194.	COMMUNICATION AND TRANSPARENCY The Council discussed communication and transparency of the Council. Resolved:- The Council agreed to the following:- 194.1 For all communication, both internal and external, made as a Parish Councillor, the Clerk is to be included on the circulation; 194.2 For all communication to CW&C to be made by the Clerk or Ward Councillor; 194.3 All communication to be held for record purposes by the Clerk;

	194.4 All requests for reports must be made via the Clerk and on receipt made available to the Parish Council as a whole; 194.5 Cllr James Collins in to look into creating a virtual file containing Council documents that all Councillors would be able to access. Proposed by Cllr Shackleton and seconded by Cllr Higgie. A named vote was requested. The voting was as follows:- In favour:- Cllrs Barnett, Clifford, James Collins, Granger, Higgie, Lightning, Meredith, Shackleton, Williams. Against:- Cllr Waddelove.																																										
195.	POLICE REPORT 195.1 <u>Report:-</u> The police report was previously circulated. 195.2 <u>PCSO:-</u> The PCC has responded to advise that the Malpas and Tattenhall beat area has been allocated an additional Police Constable therefore there are now two dedicated Police Constables.																																										
196.	ACCOUNTS 196.1 <u>Christmas:-</u> 196.1.1 The Council considered whether or not to reimburse Cllrs Bickley and Higgie for entering a Malpas Parish Council Christmas Tree in the St Oswald's Church Festival of Christmas Trees. Resolved:- The Council agreed to reimburse Cllrs Bickley and Higgie for entering a Malpas Parish Council Christmas Tree in the St Oswald's Church Festival of Christmas Trees. Cllr Clifford personally reimbursed them. Proposed by Cllr Clifford and seconded by Cllr Barnett. 196.1.2 The Council considered to agree payment to Amberon in respect of the road closure for the Christmas Event Resolved:- The Council agreed payment of £888.00 to Amberon in respect of the road closure for the Christmas Event. Proposed by Cllr Shackleton and seconded by Cllr Higgie. 196.2 <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>595</td><td>CHRISTMAS:- North West Medical Solutions Ltd</td><td></td><td>£ 396.00</td></tr> <tr> <td>596</td><td>Running Costs</td><td>s.111</td><td>£ 77.12</td></tr> <tr> <td>597</td><td>Clerk's Salary - Backdated Net Pay</td><td>lga 112-119</td><td>£ 350.46</td></tr> <tr> <td>598</td><td>HMRC - PAYE Nov 2023</td><td>lga 112-119</td><td>£ 314.70</td></tr> <tr> <td>599</td><td>HMRC - PAYE Dec 2023</td><td>lga 112-119</td><td>£ 133.39</td></tr> <tr> <td>600</td><td>Walkers Nurseries (Christmas Trees)</td><td>s.137</td><td>£ 838.73</td></tr> <tr> <td>601</td><td>Malpas Community Church</td><td>s.111</td><td>£ 26.00</td></tr> <tr> <td>602</td><td>Victoria Jubilee Hall</td><td>s.111</td><td>£ 82.50</td></tr> <tr> <td>603</td><td>CHRISTMAS:- Amberon</td><td></td><td>£ 888.00</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 Granger. 196.3 <u>Receipts Received as at 1st November 2023:-</u> Allotments:- £75.00 Donation to CCTV Phase 2:- £100.00 196.4 <u>Accounts and Bank Reconciliation:-</u> The summary of Receipts and Payments was previously circulated.			Chq No	Payee	Statutory Power	Amount	595	CHRISTMAS:- North West Medical Solutions Ltd		£ 396.00	596	Running Costs	s.111	£ 77.12	597	Clerk's Salary - Backdated Net Pay	lga 112-119	£ 350.46	598	HMRC - PAYE Nov 2023	lga 112-119	£ 314.70	599	HMRC - PAYE Dec 2023	lga 112-119	£ 133.39	600	Walkers Nurseries (Christmas Trees)	s.137	£ 838.73	601	Malpas Community Church	s.111	£ 26.00	602	Victoria Jubilee Hall	s.111	£ 82.50	603	CHRISTMAS:- Amberon		£ 888.00
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	The reconciled balance in the current bank account as at 1st November 2023 was £224,988.82 The funds are allocated as follows:- Parish Council - £43,000.35 New Homes Bonus - £23,265.78 Community Infrastructure Levy (CIL):- £155,684.33 Allotment Deposits (ring fenced in accounts):- £600.00 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 - £410.00 Members Grant:- allocated to Footpath 10 - £950.00 Donation:- allocated to CCTV - £100.00
197.	BUSINESS PRIORITIES AND PROJECTS The details of the S106 amounts available are to be included on the agenda.
198.	S106 198.1 <u>Potential s106 funding:-</u> The Clerk is to contact local organisations to enquire if they have any requirements that could be used. 198.2 <u>Existing s106 funding:-</u> See above.
199.	PLANNING 199.1 <u>Planning Applications:-</u> 199.1.- 123/02984/FUL - The proposed upgrade and extension of the existing Malpas Wastewater Treatment Works (WwTW) including construction of boundary treatment, access track, plant, machinery, storage tanks, hardstanding and associated development at Malpas Water Treatment Works Old Hall Street Malpas Observations:- The Council supports this application because: If the Cheshire West Council Planning Authority is minded to approve the application the Council would request that the following conditions be included: 1/ A Construction Management plan contain conditions that ensures the construct traffic accesses the site via the B5095 through Agden from Grindley Brook and does not use Chester Road and already congested Malpas High Street. If Grindley Brook route is not a viable option, then the council would request that construction material deliveries take place outside Primary and Secondary school drop off and pick up times. In addition there should be no Sunday working 2/ An Archaeology watching brief in the area around the Good Moor Works dam. Background Factors: Open countryside Relevant Malpas and Overton Neighbourhood Plan Policies: BE1, BE2, BE5, LC3 and LC4 Relevant Local Plan Part 2 Policies: STRAT 9, DM29, DM30, DM31, DM32 DM44, and DM45. Potential benefits to the community: Increased capacity in the village sewerage system Potential impact on neighbours: Visibility of the Increase in height of the development Potential impact on wider community: Increased visibility from the public realm Other relevant information:- The application is proposing to increase the site foot print by some 44% (0.5ha to 0.72 ha)

It is proposed to carry out the work on site in two phases. The first phase will see improvements to the equipment and process on site to treat the flows coming to site. This is scheduled to start mid-November and should be finished by the end of April 2024.

The second phase of the work to add new phosphorus removal process is designed to improve the quality of the treated water that comes from site, and should be completed by the summer of 2025.

The Council would commend Welsh Water for investing in the expansion of the facility to provide extra infrastructure capacity the approximate 2,200 village properties. Also for taking a lead to ensure that the wastewater is treated to a high standard before it is returned to the environment.

The work will have no impact on wastewater services to homes or businesses and shouldn't cause too much disruption.

Issues to be addressed:

- It is noted that the new buildings and fencing are to be painted holly green in an attempt to blend into the landscape. However, the proposed buildings will be 3-6m high, and the silos are indicated as being 13.6m high.
- The major concern is that the proposed development will be highly visible from the public realm.
- With the facility being clearly visible from most dwellings within the village, the open countryside, and public footpaths that crisscross the Good Moors
- The development will have an impact on the village's key views as recoded in the Neighbourhood Plan. (Page 62)
- It will also have an impact on the setting of the conservation area and listed/character buildings.
- It is noted that the biodiversity report sets out various conditions for the protection of great crested newts, badgers, amphibians / reptiles bats and birds. However, there is no reference to any measures in increase the on-site bio diversity net gain.
- The report does suggest that Welsh Water is seeking an offsite scheme.
- However, the council would like to see any mitigation measures provided within close proximity to the development site.
- The Council notes and supports the application Archaeology Report in its recommendation for a watching brief in the area around the Good Moor Works dam during the construction work.
- This is important as the site historically was the location of a mid-nineteenth century Steam engine and pump house that supplied the village water supply via the reservoir situated under Castle Hill Motte.
- It is noted that there is no Construction Management plan associated with the application.
- The Council would like to see a condition that ensures the construct traffic access the site via the B5395 through Agden Parish from Grindley Brook and do not use the Chester Road (B5069) and Malpas High Street for access.
- If the Grindley Brook route is not a viable option, then the Council would request that construction material deliveries take place outside Primary and Secondary school drop off and pick up times.
- In addition there should be no Sunday working

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.

199.1.2 - 23/03532/S52 - To discharge two obligations of Section 52 Agreement dated 28/10/1988 relating to planning permission 6/17743 at 2 Church View Church Street Malpas

Observations:-

The Council objects to this application because:

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

Potential benefits to the community: The freeing up of the two flats from age related restrictions

Potential impact on neighbours: On street parking for immediate neighbours who do not have access to off street parking

Potential impact on wider community: Impact of additional parking on an already congested Church Street

Other relevant information

The S52 Agreements cover the provision of car parking spaces for the occupiers of the flats. Removing this part of the agreement will result in extra car parking on the highway which is already narrowed down to a single carriageway immediately in front of Church View due to the existing residents on street parking congestion in this area of Church Street.

The Council would highlight that the CWaC supplementary planning document (Parking Standards) sets out a requirement for off street parking for residential dwellings, and by removing the condition of off street parking for this property, it will contradict that policy document.

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.

199.1.3 - 23/03340/FUL - Hillcrest Chester Road Malpas**Observations:-**

The Council would make the observations as documented below:

If the Cheshire West Council Planning Authority is minded to approve the application the Council would request that the following conditions be included:

1/ Removal of permitted development rights for the proposed new garage

2/ That the driveway is permeable bonded gravel rather than tarmac; this to avoid surface water run-off from the property.

3/ That an electrical charging point is included with the provision of a new garage.

Background Factors: Within settlement boundary; Conservation area

Relevant Malpas and Overton Neighbourhood Plan Policies: BE3 and LC4

Relevant Local Plan Part 2 Policies: DM21 and DM46 – DM48

Potential benefits to the community: None identified.

Potential impact on neighbours: Impact of the garage on the immediate neighbours amenity

Potential impact on wider community: View from the public realm (Chester Road and the Malpas FP14 footpath) Also the impact on the Malpas conservation area, if the alterations to the existing driveway, fencing and gates do not reflect what exists at present.

Other relevant information

The Council have concerns that the proposal is to build this 5 metre high garage as stated in the Design and Access Statement. This will have an impact on the conservation area and the view of the property from the public realm, (Chester Road) and the public footpath (Malpas FP14)

The Design and Access Statement also highlights that the proposed alterations are over the permitted development rights size.

It is noted that the proposed extension footprint is bigger than the existing footprint.

	The Council is concerned about massing of the proposed extension and new garage, and would like the planning authority to consider if development would reduce the amenity space of the property. There is also potential for the large garage to impact on the near neighbours' amenity spaces. Turning to the property boundary treatments. The Malpas Village Design statement highlights the importance of the boundary treatments in the conservation area on Chester Road. <i>On the right side of the road a brick wall, starting at the High Street gives way, beyond the former Police Station, to old "pegged board" fencing that fronts the manicured lawns of the large detached houses.</i> There are no details of the proposed driveway alterations and replacement of the existing fencing and gates. Details of these materials should be included in the application as they may not be similar to what exists and could impact on the appearance of the Malpas Conservation area. Failure to replicate/ align with the materials and existing design of the boundary fencing has the potential to impact on the character of this area of the Malpas Conservation area. As climate change becomes more pronounced, Malpas is seeing frequent increases in the number of flooding instances, particularly at the bottom of the village. In line with this problem, the Council has concerns over the proposal to construct the driveway with a large area of tarmac. Using an alternative driveway surface such as permeable bonded gravel would allow the drive area to act as a natural soakaway, thus helping to mitigate against high volumes of surface water run-off. It is noted that there is no mention of the installation of an electric charging point in new garage. <i>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.</i> All the above observations were proposed by Cllr Shackleton and seconded by Cllr Clifford. 199.2 <u>To consider any applications received after the agenda has been distributed:-</u> No new applications have been received. 199.3 <u>Recent decisions by CW&C:-</u> <u>Approved / Decided:-</u> 23/00520/FUL and 23/00523/LBC - Hannetts Cottage Tilston Road Overton Malpas 23/00547/S73 - Land Rear of Holly House Old Hall Street Malpas 23/03136/S73 - Woodhouse Farm Dymocks Mill Lane Oldcastle Malpas
200.	NEIGHBOURHOOD PLAN Cllr Clifford discussed amending the Neighbourhood Plan to request that the map on page 76 of the Neighbourhood Plan, Appendix C, Designated Nature Conservation Sites (CWaC), is updated with Map 6 of the CWT report, Designated Sites of Nature Conservation. Cllr Lightning advised he has stood down from the steering group.
201.	MONTHLY SURGERY No members of the public attended the November surgery. Cllr Shackleton suggested that the Council hold the monthly surgeries in the Old Fire Station instead of the Jubilee Hall; he is to make enquiries with the owners.
202.	THE MOSSLAND 202.1 <u>Allotments:-</u> <u>Update:-</u> - minutes of the Allotments Association AGM were circulated;

	- Plot 11 has been let; - The majority of invoices have been paid; reminders are to be sent to outstanding invoices; - The Allotments Association wish to draw down S106 funds to pay for footpaths, a gate at the entrance to the allotments site; another gate at the entrance to the allotment plots; a shed to store equipment; a chipper and a mower. Cllr Clifford is to assist with the quotes. The Clerk is to complete the paperwork to be submitted to CWaC to obtain the S106 funding that has been allocated towards allotments; - The Clerk is to look into obtaining signage to be sited next to the ponds. - Cllr Clifford agreed to look after the tree saplings at the Mossland site. 202.2 <u>Bank Account:-</u> Resolved:- The Council agreed to transfer the key deposits that are currently ringfenced in Malpas Parish Council's bank account to The Mossland's bank account. This is to ensure that the accounts are kept separate as advised by the external auditor. The bank signatories on the Mosslands bank account are the same as those on the parish council's bank account. Proposed by Cllr Shackleton and seconded by Cllr Meredith. 202.3 <u>Charities Commission:-</u> There has been no reply to the query that was submitted by email to the Charities Commission on 09/10/23 regarding an enquiry made about trustees, therefore, a letter has been sent as there was no option available to email. 202.4 <u>Trust Deed Document:-</u> Resolved:- The Council agreed to confirm the engagement terms for Hill Dickinson to prepare the Trust Deed Document. Proposed by Cllr Shackleton and seconded by Cllr Clifford.
203.	SPEEDWATCH This item was deferred to the January meeting.
204.	HIGHWAYS 204.1 <u>B5395 Speed Limit:-</u> The Council considered whether to contribute £3,500.00 to implement the proposed speed limit on the B5395. It was agreed not to proceed as it was felt that the money could be better use (e.g. to install safety measures at the bridge on the B5395). 204.2 <u>Chester Road Pavement:-</u> £68k of S106 monies was allocated towards a pavement extension on Chester Road. The pavement extension is unlikely to go ahead due to the costs being in excess of £68k. The Council has requested that the £68k be used alongside S106 traffic measures monies to cover costs for a new crossing on Chester Road instead. Bovis is refusing the request to amend the allocation of £68k in respect of S106 funding. 204.3 <u>Footpath 10 (from Hughes Lane to the Church):-</u> The Clerk confirmed that Groundwork and Leisure Services have completed the work to the footpath.
205.	HIGH STREET CAR PARK The Council has written to Charlie Seward, CWaC, regarding the proposed car park extension.
206.	THE CROSS The Clerk is in process of obtaining quotes and specifications to clean and repoint the steps surrounding the Cross.

	When the Council has obtained quotes to carry out the works they will be submitted with a Scheduled Monument consent form to HE; this is then sent to the Secretary of State for approval. It takes approximately 12 weeks to process application.	
207.	CCTV – PHASE TWO The order has been placed with Barlows to install phase 2 CCTV in the High Street at a cost of £2,010.00 plus VAT. Cllr Lightning advised that installation is due to take place next week. He is to make enquiries regarding the hedge in the car park which is restricting the CCTV.	
208.	APPEARANCE OF MALPAS 208.1 <u>Street Furniture:-</u> No update. 208.2 <u>Bus Shelter Old Hall Street:-</u> The work is due to be carried out with the road is re-surfaced. The Clerk is to remind Highways regarding the road markings.	
210.	MALPAS RECREATION GROUND Update:- - Order placed with ROSPA to carry out an inspection of the play equipment at the Recreation Ground. - As agreed, a letter has been sent to the trustees. No response has been received to date.	
211.	CHESHIRE FIRE AUTHORITY The Council's discussed whether to respond to the Cheshire Fire Authority 2024-2028 Draft Community Risk Management Plan; it was agreed to speak with the local watch regarding any concerns about the plan.	
212.	MALPAS CHRISTMAS MARKET AND CHRISTMAS LIGHTS Update:- - Order placed with Barlows to erect and take down the street Christmas lights and to carry out electrical testing on power sockets. - Arrangements made for Barlows to contact properties to carry out PAT testing on sockets. - Order placed with Amberon for the road closure (an account has been set up so payment can be made at the meeting). - Letters sent to residents and businesses on Old Hall Street to advise of road closure. - Order placed with North West Medical Solutions Ltd for medical cover at the event. - Order placed with Walkers for 36 Christmas trees to be trimmed to fit tree holders. - Walkers have delivered 36 trees. - In process of collecting money in respect of Christmas trees from with businesses and residents. - Event licence queries dealt with. The Council formally thanked Ward Cllr Rachel Williams and all her team for all their hard work in putting on the event.	
213.	VILLAGE FAIR Cllr Lightning suggested that the organisation of the village fair becomes under the responsibility of the Parish Council with a committee set up. The Council agreed in principle; Cllr Lightning is to speak with the members of the Village Fair committee regarding the suggestion.	
214.	SURVEY The Council completed the Survey: Achieving Net Zero across Local Councils.	
215.	CLERK'S REPORT	
	No.	Item
	215.1	S106 McCarthy Stone
		Update
		Highways contacted regarding the VAS signs installation and to make arrangements to draw down S106 funds allocated to this.

	215.2	Room Bookings for 2024	Booked the Community Church to hold the monthly business meetings on the last Thursday of each month (apart from December).
	215.3	Planning	Request for planning extension made and agreed.
	215.4	Cheshire Wildlife Trust	Chased up Cheshire Wildlife Report which was commissioned and paid for earlier this year which has been received and circulated to Cllrs.
	215.5	Training	Booked Cllr Schoene to attend training course Roles and Responsibilities on 30/11/23.
	215.6	Training	Tree pruning session - booked Cllr Clifford to attend.
216.	EXTERNAL CORRESPONDENCE INCLUDING SUGGESTION BOX List previously circulated to Cllrs.		
217.	UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES There were no updates.		
218.	PRESS AND PUBLIC Resolved:- To resolve to exclude the press and members of the public as the items to be discussed relate to contractual matters and employment matters which are of a sensitive nature. Proposed by Cllr Higgie and seconded by Cllr Williams.		
219	HIGH STREET CAR PARK Ward Cllr Rachel Williams and the Clerk have met with representatives from Finance and Planning at CWaC to discuss the progressing the proposed extension to the High Street car park. Update as follows:- (i) Malpas Parish Council to purchase the land to the rear of Huxleys from Rob Huxley (as previously agreed). (ii) Malpas Parish Council to enter into a long term lease agreement with CWaC to lease the land to CWaC to provide an extension to the current High Street car park. This would be for a peppercorn rent. CWaC would prepare the lease agreement. (iii) The long term lease agreement between Malpas Parish Council and CWaC would include a covenant made by CWaC to allow Rob Huxley right of access to the rear of his property across the High Street car park that is owned by CWaC. (iv) Rob Huxley has been advised of the above arrangement. CWAAC agreed this is a viable option; the Council is to take legal advice.		
220.	PERSONNEL The Council discussed for the Clerk to have access to an external Human Resource body (or suitable alternative) for advice and annual pay awards. The Clerk is to contact CHALC regarding the provision of a dedicated officer to deal with Human Resources and payroll for all parish councils.		

The meeting closed at 9.15 p.m.

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