

Cheshire West and Chester Council

Delegated report

Date: 15 March 2023

Neighbourhood application area: Malpas

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

Date application first publicised: 30 January 2023

Area name: Malpas

Applicant name: Malpas Parish Council

Ward: Malpas

Ward Member: Councillor Rachel Williams

Case officer: Emma Jones

Recommendation:

1 Introduction

- 1.1 This delegated report relates to the assessment of the application for the designation of the Malpas Neighbourhood Area.
- 1.2 The application for the designation of Malpas Neighbourhood was publicised on 30 January 2023 for a six week period. The application was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. It complied with the requirements of the regulations as it included: a map identifying the area to which the area application relates; a statement explaining why the area is considered appropriate to be designated as a Neighbourhood Plan Area; and a statement that the organisation making the area application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990 (as amended).
- 1.3 Malpas has an existing Neighbourhood Plan called Malpas and Overton Neighbourhood Plan, which was made in July 2015. In the same year the Neighbourhood Plan was made, Cheshire West and Chester Borough Council undertook a Reorganisation of Community Governance¹, which

¹ <https://www.cheshirewestandchester.gov.uk/documents/your-council/voting-and-elections/community-governance/reorganisation-order-documents/scanned-documents/Malpas-Newton-by-Malpas-Oldcastle-Overton-Stockton-Wychough-CWAC-Community-Governance-Order-2015.pdf>

resulted in changes to Malpas parish boundary. Therefore, the made plan for Malpas does not reflect the current parish boundary. The Parish Council intend to review the Neighbourhood Plan and this area application seeks to better align the boundary for the review plan.

2 Area description

- 2.1 The proposed Malpas Neighbourhood Area is the area covered by Malpas Parish Council and the area will align with the parish boundary, with the exception of small parcels of land to the north and east which are currently within No Mans Heath Made Neighbourhood Area. This results in six residential properties within Malpas Parish Boundary being covered by the No Mans Heath Neighbourhood Plan. In addition, the application seeks for the area to the south to be increased, which is in line with the parish boundary and will include an additional 59 addresses.
- 2.2 The parish is rural in nature and the proposed area includes the settlement of Malpas, which is the most populated part and is identified in the Local Plan (Part One) policy STRAT 8 as a Key Service Centre. The surrounding parish has hamlets which include Ebnal, Oldcastle Heath, Kidnal and Oat Hill. These areas are within the countryside, have little to no services or facilities and accommodate a number of farms. The area is located within the wider Malpas ward.
- 2.3 A map of the proposed Malpas Neighbourhood Area is attached to this report.

3 Publicity

- 3.1 The application was publicised by public notice in the Chester Standard newspaper on 2 February 2023.
- 3.2 Details of the application were also published on the Council's website from 30 January to 13 March 2023. The consultation was also published on the Parish Council website.

<http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.
<https://www.malpascheshire.org/malpas-parish-council/malpas-neighbourhood-plan/neighbourhood-plan-review.html>
- 3.3 A copy of the notice advertising the application was placed on the Parish Council noticeboard located outside the laundrette.
- 3.4 Local Councillors were informed of the application and consultation with a response required by Monday 13 March 2023. Members were advised to contact the Case Officer directly if they had any questions or concerns. No issues or concerns were raised.

- 3.5 The six week publicity period ran from Monday 30 January to Monday 13 March 2023.
- 3.6 The neighbouring parish councils of Chorlton, Cuddington, Threapwood, Tushingham-cum-Grindley, Macefen and Bradley, Wigland, No Mans Heath and District, Tilston, Shocklach Oviatt and District were notified of the application by email on 30 January 2023.
- 3.7 The publicity arrangements complied with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.
- 3.8 The following internal consultees were notified:
- Public Rights of Way Officer
 - Localities
 - Housing
 - Regulatory Services
 - Regeneration
 - Environmental Commissioning
 - Planning and Placemaking
 - Education
 - Emergency Planning Team
 - Economic Development
 - Property
 - Highways
 - Transport
 - Environmental Protection
 - Public Health
 - Climate Change Team
 - Legal
- 3.9 The Council received seven representations externally and two internally all expressing no comment. However, Natural England and Sports England have taken the opportunity to provide advice to the Neighbourhood Plan group.

4 Issues and assessment

- 4.1 The main issues in determining this application are:
- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap).
 - Confirmation that the applicant is a 'relevant body' to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and Regulation 5 of the 2012 Regulations (i.e. a parish council or Neighbourhood Forum).

- Assessment of whether the extent of the Neighbourhood Area is appropriate.
- 4.2 This proposed application has been made for the Malpas Neighbourhood Area following boundary and governance changes made in the 2015 Community Governance Review. The changes meant that the previously designated Neighbourhood Area, designated on 17 April 2013², did not reflect the new Parish Council area. The proposed Neighbourhood Area matches the new Malpas Parish Council area excluding the parts covered by No Mans Heath Neighbourhood Plan.
- 4.3 Malpas Parish Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and Regulation 5 of the 2012 Regulations.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Malpas Parish Council (with the exception of parts within the No Mans Heath Neighbourhood Plan).
- 4.5 It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

5 Conclusion

- 5.1 The application for the Malpas Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and although a total of nine representations were received, all had no comment to make.
- 5.2 The Malpas Neighbourhood Area is considered appropriate because:
- Although a previous application has been made for Neighbourhood Areas covering part of the area this is related to a review of the Neighbourhood Plan with the new area superseding the existing when the review plan is made.
 - Malpas Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Malpas Parish Council, excluding areas covered by No Mans Heath Neighbourhood Plan and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

6 Decision

- 6.1 That the Malpas Neighbourhood Area is approved and is formally designated.

² [Malpas and Overton neighbourhood area - Details - Keystone \(cheshirewestandchester.gov.uk\)](http://cheshirewestandchester.gov.uk)

- 6.2 The reasons for this decision are that the Malpas Neighbourhood Development Plan Area is considered appropriate because:
- Although a previous application has been made for Neighbourhood Areas covering part of the area this is related to a review of the Neighbourhood Plan with the new area superseding the existing when the review plan is made.
 - Malpas Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Malpas Parish Council, excluding areas covered by No Mans Heath Neighbourhood Plan and it is appropriate for development in this area to be guided by a Neighbourhood Plan.
- 6.3 The Interim Head of Planning and Placemaking hereby exercise their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Malpas Parish Council and relevant local Councillors.
- 6.5 In accordance with Regulation 7 of the 2012 Regulations, as soon as possible after the date of the decision the Council will publish the following on its website:
- a) Name of the area
 - b) Name of body who applied
 - c) Decision and reasons
 - d) Details of where the decision can be inspected
 - e) Map of Neighbourhood Plan Area

7 Attachments

- 7.1 Copy of application form and map of Malpas Neighbourhood Area

Signed



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Nick Smith
Interim Head of Planning and Placemaking

Date

15 March 2023

Application to designate a Neighbourhood Area

Town and Country Planning Act 1990 (as amended)

Neighbourhood Planning (General) Regulations 2012

Please note that the information provided on this application form may be published on the Authority's website.

If completing by hand, please use block capitals and black ink.

1) Applicant contact details

(representative from Parish Council or Neighbourhood Forum)

Title and full name

Mr Michael John Boxall

Address and postcode

[Redacted address and postcode]

Email address

[Redacted email address]

Cheshire West and Chester Council

2) Relevant body

Please confirm that you are the relevant body to undertake neighbourhood planning in your area in accordance with section 61G of the 1990 Act and Regulation 5(c) of the 2012 Regulations (i.e. a Parish Council or Neighbourhood Forum).

(please select one answer)

Yes No

Name of Parish Council or Neighbourhood Forum

Malpas Parish Council

If a Neighbourhood Forum, has this been designated yet?

(please select one answer)

Yes

No - but application submitted

No - application not yet submitted

3) Name of Neighbourhood Area

Please give the name by which your Neighbourhood Area will be formally known.

Malpas

4) Extent of the area

Please indicate below and attach an OS plan showing the intended extent of the area.

(please select one answer)

Area not covered by a Parish

Whole Parish boundary area

Part of one Parish

Includes more than one Parish (please complete section 6 below)

A map showing the area to which the application relates has been attached.

5) Intention of the Neighbourhood Area

Please indicate which of the following you intend to undertake with your Neighbourhood Area.

(please select all that apply)

- Neighbourhood Development Plan
- Neighbourhood Development Order
- Community Right to Build

6) Additional Parish details (if applicable)

Please complete this section if the proposed Neighbourhood Area includes more than one Parish.

Please provide details of the additional area covered and the name(s) of the relevant Parish/Parishes.

If the neighbourhood area includes the whole or any part of the area of another Parish council, the lead Parish council is authorised to act in relation to the neighbourhood area only if the other Parish council(s) have given their consent.

Please provide the name and signature of a representative from each relevant Parish council to confirm that the Parish council have provided formal agreement and are happy for you to act on their behalf.

Cheshire West and Chester Council

For all applications

Please describe below why you consider that the extent of the neighbourhood area is appropriate.

If possible, please provide a copy of the minutes of the Parish Council meeting(s) at which it was agreed that the whole/part of the Parish council area could be included in the Neighbourhood Area and that the applicant Parish Council were authorised to act as the lead authority on Neighbourhood Planning work.

The area represents the whole of Malpas Parish apart from two very small areas that are already included in the Noman's Heath Neighbourhood Plan. The boundary follows the new parish boundary which was confirmed in March 2015, subject to these two very minor exclusions. This is more transparent for anyone making a planning application and also makes it more straightforward for the Parish Council to comment on applications by reference to the Neighbourhood Plan.

See Minute 211 from the Parish Council meeting of 12 December 2022
(<https://www.malpascheshire.org/lib/12th-december-2022-minutes-F719089.pdf>)


7) Declaration

I hereby apply to designate a Neighbourhood Area as described on this form and the accompanying plan.

Name

Michael John Boxall

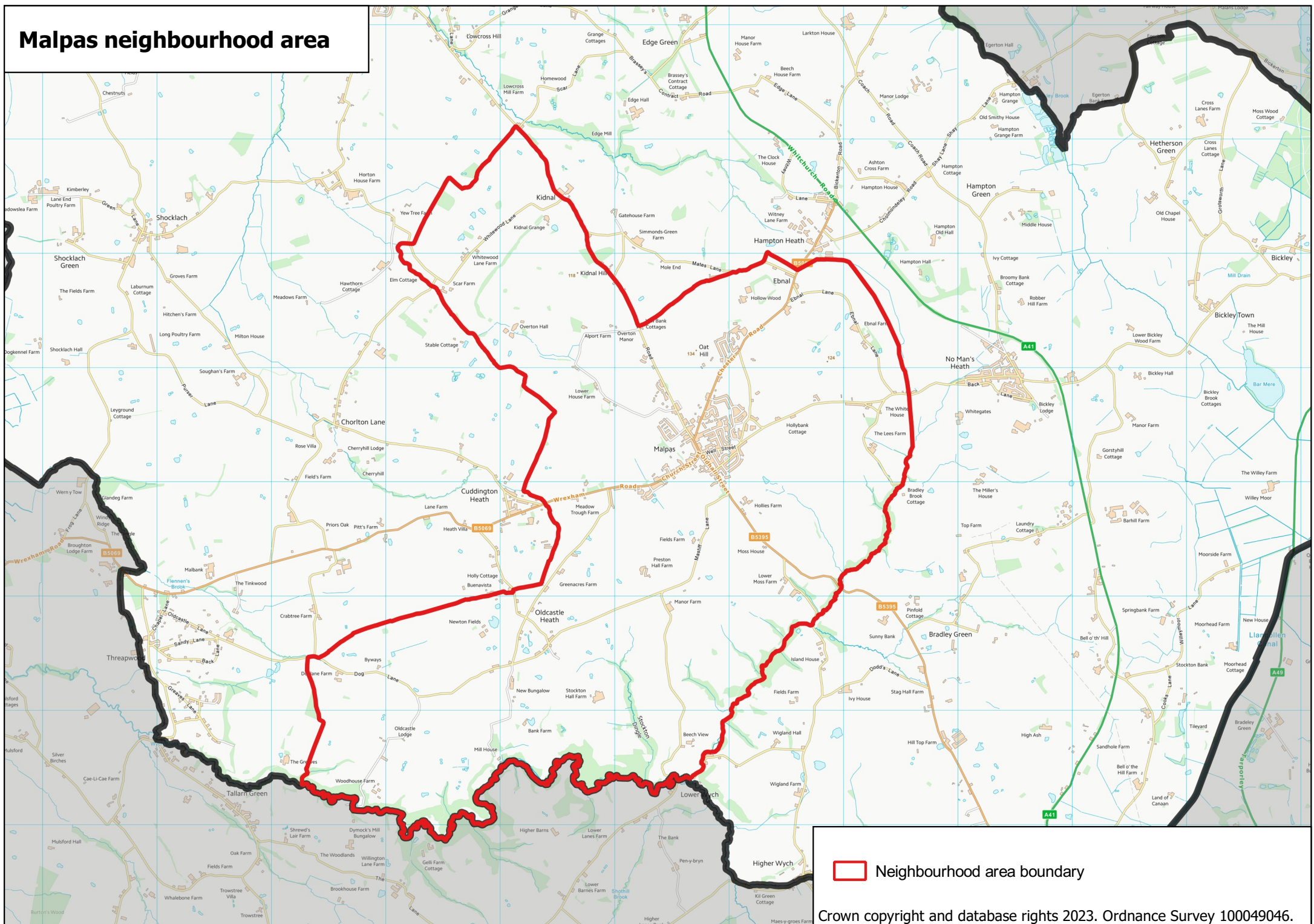
Signature




Date

18 January 2023

Malpas neighbourhood area



 Neighbourhood area boundary