

## **Cheshire West and Chester Council**

### **Malpas and Overton Neighbourhood Plan Decision Statement**

#### **1. Summary**

- 1.1 Following an independent examination, Cheshire West and Chester Council now confirms that the Malpas and Overton Neighbourhood Plan will proceed to a Neighbourhood Planning referendum.

#### **2. Background**

- 2.1 On 17 April 2013, Cheshire West and Chester Council designated the Malpas and Overton area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Malpas and Overton Neighbourhood Development Plan to the Council in September 2014, the plan was publicised and representations were invited. The publicity period ended on Monday 17 November 2014.
- 2.4 Cheshire West and Chester Council appointed an independent examiner, Mr Terry Heselton, to review whether the Plan should proceed to referendum.
- 2.5 The examiner's report concludes that, subject to a number of modifications, the Plan meets the basic conditions set out in legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 The Executive of Cheshire West and Chester Council agreed on 9 March 2015 that the Malpas and Overton Neighbourhood Plan should proceed to referendum.
- 2.7 Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want Cheshire West and Chester Council to use the Neighbourhood Plan for Malpas and Overton to help it decide planning applications in the neighbourhood area?' will be held in Malpas.
- 2.8 The date on which the referendum will take place is agreed as Thursday 7 May 2015.

#### **3. Decision and Reasons**

- 3.1 Having considered the recommendations made by the examiner and the reasons for them, the Council agrees that the recommended modifications are needed to ensure that the draft plan meets the basic conditions set out in legislation. The Council has decided to make the modifications to the draft plan as set out in Table 1 below.

Table 1 – Schedule of Modifications

<b>Policy/para</b>	<b>Examiner's proposed modification</b>	<b>Action taken</b>
Key points 7 & 8	Include references to conserving and enhancing heritage assets	Modifications made as set out in the recommendation.
Objective 3	Replace Objective 3 with the following: Support housing growth which meets identified housing need, including all sections of the local community".	Objective replaced as recommended.
Key point 7	Change the reference to 'Figure 2.7' in the first paragraph of Key Point 7 to 'Figure 2.6'.	Reference to Figure 2.7 corrected
General comment	Correct the lists of Local Plan and saved CDLP policies referred to under 'Policy Compliance' at the end of each section.	Local Plan references corrected
H1 (New Housing)	<p>a) Delete '(ie less than 10 minutes' walk)'</p> <p>b) Replace 'Brownfield sites will generally be assessed as being more sustainable than greenfield sites.' with 'Development on brownfield sites will be encouraged within the built up area'.</p> <p>c) Insert 'within the built up area or' after 'Where Greenfield development occurs it should be on sites that are.....'</p> <p>d) Delete the final paragraph of the policy and substitute the following:</p> <p>'Until the Local Plan (Part Two): Land Allocations and Detailed Policies Plan has been adopted housing development outside the built form of Malpas village (as defined in Figure 5.1) will not normally be considered appropriate unless it is directly adjacent to the village or for a single dwelling in conformity with Policy H2.</p> <p>After the Local Plan (Part Two): Land Allocations and Detailed Policies Plan has been adopted housing development outside the settlement limits defined in the Local Plan will not normally be appropriate unless it is for a single dwelling in conformity with Policy H2.'</p> <p>e) Amend the matrix in Appendix B to give equal weighting to brownfield and greenfield sites.</p>	<p>Modifications to policy made as set out in the recommendation.</p> <p>Matrix in Appendix B amended to remove reference to brownfield and greenfield sites</p>
H2 (Rural)	Delete criteria (ii) and (iv) from the policy	Modifications to policy

<b>Policy/para</b>	<b>Examiner's proposed modification</b>	<b>Action taken</b>
Housing Development)	and insert a reference in the Explanatory text to the scope for providing ancillary relatives accommodation through CDLP Policy HO18.	and explanatory text made as set out in the recommendation.
H3 (Housing Type and Tenure)	<p>a) In the second paragraph insert 'objectively assessed housing needs, including' after 'Application of this policy should aim to ensure that new housing development provides for.....'.</p> <p>b) In the second sentence of the fourth paragraph delete 'At least 25% of new houses on developments of more than 10 homes in Malpas should be' and insert 'Developments of more than 10 homes in Malpas should include an element of fully compliant LifeTime homes .....', and make consequential changes to paragraph five of the policy and to the Explanatory text.</p>	Modifications to policy and explanatory text made as set out in the recommendation.
H4 (Housing Character and Design)	Incorporate a reference to 'conserving and enhancing the historic environment, including the setting of heritage assets, where appropriate' in both the policy and the Explanatory text.	Modifications to policy and explanatory text made as set out in the recommendation.
Section 5.2 (Built Environment and Local Character)	Incorporate additional reference under Issues and Opportunities (in Section 5.2) to the desirability of conserving and enhancing the significance of heritage assets including their setting.	Reference to heritage assets included in Section 5.2 as set out in the recommendation.
BE1 (Scale and Form of New Development)	Delete the last paragraph and incorporate the text in the accompanying Explanation as guidance, with an amended reference to requiring Building for Life Assessments in appropriate circumstances, rather than for all schemes larger than 6 dwellings.	Modifications to the policy and explanatory text made as set out in the recommendation.
BE2 (Design of New Buildings)	Incorporate a reference to 'conserving and enhancing the historic environment, including the setting of heritage assets, where appropriate' in both the policy and the Explanatory text.	Modifications to the policy and explanatory text made as set out in the recommendation.

Policy/para	Examiner's proposed modification	Action taken
BE3 (Alterations and Extensions)	Delete 'the setting of adjacent' after 'including its impact on...' and insert ' <i>significance of heritage assets and their setting</i> '.	Modifications made as set out in the recommendation (with minor grammatical change).
BE4 (Character Buildings and Structures)	Incorporate additional explanation in the Explanatory text regarding the relationship between designated and non designated heritage assets to clarify that the local heritage assets have been identified and are being protected because of their particular local significance, and that these will supplement designated assets, which are protected through specific legislation.	Modifications made to the explanatory text as recommended
BE5 (Archaeology)	<p>a) Insert '<i>archaeological</i>' after 'Development must conserve and enhance designated and undesigned.....'</p> <p>b) Insert '<i>In addition to designated archaeological sites</i>' at the beginning of the third sentence in the first paragraph of the policy.</p> <p>c) Delete scheduled monument (Number 30392 east of Overton Hall) from Figure 5.2, and amend the heading to Figure 2.6 to clarify that the map only identifies designated heritage sites, including archaeological sites, within the built up area of Malpas for information purposes.</p> <p>d) Delete the second paragraph in the Explanation accompanying the policy.</p>	Modifications made to the policy, explanatory text and Figure 5.2 as set out in the recommendation
LC1 (Landscape Character and Development)	<p>a) Delete 'unless there are exceptional circumstances for the development and no suitable alternative sites are available'.</p> <p>b) Change 'outside of Malpas village' to '<i>outside the built up area of Malpas village</i>'.</p>	Modifications to policy made as set out in the recommendation
LC2 (Renewable Energy)	a) In the first paragraph delete 'landscape character, built character and residential amenity is not significantly adversely affected.' after 'The	Modifications to policy made as set out in the recommendation

Policy/para	Examiner's proposed modification	Action taken
	<p>development of renewable energy is supported provided....' and substitute '<i>a range of unacceptable environmental, amenity and public health and safety impacts are avoided</i>'.</p> <p>b) Replace the final paragraph of the policy with the following ; '<i>The impacts on landscape character, built character and heritage assets should be assessed with reference to national planning policy, local strategic policy and other relevant policies in the Neighbourhood Plan (especially BE1, LC1, LC3 and LC4)</i>'.</p>	
LC4 (Green Spaces and Corridors)	Delete Policy LC4	Policy deleted. Appendix E deleted. Figure 5.1 amended to remove greenspaces and corridors
LC5 (Biodiversity)	<p>a) Delete 'in the rural area' in the first sentence.</p> <p>b) Delete 'It is accepted that lower quality trees .....</p>	<p>Policy number changed to LC4</p> <p>Policy and explanatory text amended as recommended</p>
SF1 (Village Centre)	<p>a) Delete the first two sentences in the policy and substitute the following: '<i>The Village Centre as defined in Figure 1 should remain the focal area where shops, services and community facilities are clustered</i>'</p> <p>b) Delete the second paragraph in the accompanying Explanation.</p>	Modifications to policy and explanatory text made as set out in the recommendation
SF2 (Church Street)	Incorporate a reference to 'conserving and enhancing the historic environment including its setting where appropriate' in both the policy and the Explanatory text.	Modifications to policy and explanatory text made as set out in the recommendation
LE1 (Flexible Workspace)	Delete 'in the area' after 'if a suitable location can be identified' and insert ' <i>in Malpas</i> ', and clarify in the Explanation	Modifications to policy and explanatory text made as set out in the

Policy/para	Examiner's proposed modification	Action taken
	that new build workshops will not be acceptable in the surrounding rural area.	recommendation
LE2 (Rural Diversification and Local Tourism)	<p>a) In the second paragraph insert the following new sentence after 'or where the use is linked with the rural location.'</p> <p><i>'In addition to farm/rural diversification schemes proposals for the extension of existing buildings or conversion of existing rural buildings for economic purposes will be supported'</i> and include reference to this in the accompanying Explanation.</p> <p>b) Replace the final paragraph with the following;</p> <p><i>'Proposals for small scale retail facilities within the rural area to support farm diversification, or as ancillary to tourism facilities, will be supported'.</i></p>	Modifications made as set out in the recommendation
TC1 (Village Travel Plan)	Delete Policy TC1 and incorporate it within the plan as an aspirational policy which encourages developers to co-operate with the Parish Council on traffic management issues and the preparation of travel plan for the village. The aspirational policy should be clearly distinguished from land use policies in the plan.	Policy deleted. Modifications to text made as set out in the recommendation
TC2 (Travel and Parking Impacts)	Delete Policy TC2 and incorporate it within the plan as an aspirational policy which encourages developers to co-operate with highways officers and the Parish Council on measures to mitigate the travel and parking impact of development, including traffic management solutions. The aspirational policy should be clearly distinguished from land use policies in the plan.	Policy deleted. Modifications to text made as set out in the recommendation
TC3 (Pedestrian and Cycle Routes)	Delete the last sentence of Policy TC3.	Policy renumbered TC1 Modification made as set out in the recommendation