

INDEPENDENT EXAMINATION OF THE MALVERN TOWN NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:

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To Malvern Town Council and Malvern Hills District Council

(By email to Linda Blake, Town Council Clerk and David Clarke, District Council Planning Officer, with copies to Andrew Ford and Clare Lawrence)

Dated 31 December 2018

Dear Linda and David

Malvern Town Neighbourhood Development Plan Independent Examination

In my email of 15 November 2018, I stated I may seek written clarification of any matters that I consider necessary. In this respect I would be pleased to receive the response of the District Council and the Town Council, preferably a joint response, in respect of the following matters:

Malvern NDP Points for clarification

1). Policy MG1

A representation on behalf of landowners objecting to designation of Hayslan Fields as a Local Green Space states *“Savills has been advised that the landowners, and Barwood Land, have not been notified of the proposed LGS at the Site until a very late stage in the preparation of the Neighbourhood Plan – Malvern St James’ School was only notified in September 2018 when the Visual Study was consulted upon and Barwood Land was only consulted when this consultation was published. As a result, Barwood Land have had limited time to prepare their representations and no opportunity to discuss this with the Neighbourhood Plan Group. The Town Council has therefore failed to follow PPG advice and so the application of Policy MG1 of the draft NP fails to meet ‘basic condition (a)’ for this reason.”*

The Guidance states *“A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the*

qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan". (National Planning Policy Guidance Paragraph: 019 Reference ID: 37-019-20140306).

I request clarification of contact by the Town Council, during the period of Neighbourhood Plan preparation, with landowners regarding the proposed designation of Hayslan Fields as Local Green Space.

2). Policy MV1

Please clarify which evidence base statements define:

- views, in terms of direction and extent, to be considered within the Exceptional Key View Zone
- the direction and from what distance views of Exceptional Key Focal Points are to be considered

Whilst descriptions in the Visual Study Report of Exceptional Key View Routes refer to views in the direction, or both directions of the route, where is there a definition:

- regarding extent of view to be considered; and
- the approach to be adopted with respect to view of sites adjacent to both sides of the route

In that all four Exceptional Key Gateways include Exceptional Key View Routes and at least one Exceptional Key Viewpoint, what additional development management approach is introduced by the Exceptional Key Gateway designation and what is the significance of the radius of the Exceptional Key Gateway indicator?

Figure 5.3 includes indicators outside the Neighbourhood Plan Area which it may not. Could you please clarify that it is not intended to extend the Neighbourhood Plan Area, which would of course involve considerable delay.

3). Policy MC2

Could you please clarify whether it is intended?

- in the first paragraph new major residential development should be defined as 100 or more dwellings; and
- in the second paragraph proposals for new major development should be interpreted as proposals for new large-scale development (in respect of

residential proposals 100 or more dwellings or 5,000 square metres of non-residential floorspace).

4). Policy ME3

Could you please clarify?

- whether a modification to both policies ME3 and ME4 with the insertion of an additional criterion as follows “Or they are development forming part of a scheme for implementation of a strategic allocation of the South Worcestershire Development Plan” would satisfactorily resolve the issue raised in the Regulation 16 representation of RPS.
- What mapping adjustments would ensure the Neighbourhood Plan is not promoting less development than that included in strategic policy SWDP56.

I would be grateful if you would reply to this request for clarification no later than 18 January 2019, although an earlier response would be appreciated.

I may, in due course, request clarification of other matters as I progress the Independent Examination.

Please acknowledge receipt, and ensure this request for clarification and your reply is posted to the District Council website.

Regards
Chris Collison

Independent Examiner
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