

Malvern Hills District Council



Abberley Neighbourhood Plan Decision Statement

Abberley Neighbourhood Plan

I confirm that the Abberley Neighbourhood Plan, as revised by the modifications set out in Table 1 below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2012, and can therefore proceed to Referendum, which will be held on Thursday 24th June 2021.

I also declare that I have no disclosable personal or disclosable prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink, appearing to read 'Holly Jones'.

Holly Jones
Director of Planning and Infrastructure, Malvern Hills and Wychavon District Councils

5 May 2021

Summary

Following an independent examination, Malvern Hills District Council now confirms that the Abberley Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 24th June 2021.

Background

On 28 August 2015, Malvern Hills District Council designated the parish of Abberley as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Abberley Neighbourhood Plan Regulation 14 consultation which took place from 29 June to 24 August 2020. The consultation responses fed into the final version of the Abberley Neighbourhood Plan which was submitted to Malvern Hills District Council in November 2020, along with the associated Basic Conditions Statement, Consultation Statement and a Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion.

The Abberley Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ran from 4 December 2020 to 22 January 2021.

Malvern Hills District Council appointed an independent Examiner, Ann Skippers, to review whether the Plan should proceed to referendum in December 2020.

Having considered each of the recommendations made by the Examiner's report and the reasons for them, in consultation with the Parish Council, Malvern Hills District Council has decided to make the modifications to the draft Abberley Neighbourhood Plan as detailed in Table 1 below in order to ensure the Plan meets the Basic Conditions as set out in the legislation.

Decisions and Reasons

Malvern Hills District Council will make the following modifications, as proposed by the Examiner and agreed by the Parish Council, to ensure that the Abberley Neighbourhood Plan meets the Basic Conditions.

Table 1 – Schedule of Examiner’s Recommended Modifications and Malvern Hills District Council’s response

Part of Document	Examiner’s Recommended Modification(s)	MHDC Response
<p>Policy ABY3 Criteria for development of Land at The Orchard</p>	<p>Change point 1. of the policy to read: “an indicative figure of six dwellings are provided which accord with policy ABY2; and”</p> <p>Add at the end of point 2. “...unless it can be satisfactorily and independently demonstrated that the affordable housing provision sought would not be viable in which case the maximum proportion of affordable housing (either on or off-site) will be sought that does not undermine the development’s viability; and”</p> <p>Add a new sentence at the end of point 4. “If the condition of the existing house is found to prohibit a design-led scheme as illustrated in the concept plan, then the footprint of the house and its outbuildings should influence the overall design of any scheme; and”</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p> <p>Agreed, new sentence added as recommended.</p>
<p>Policy ABY4 Community facilities</p>	<p>Add the word “and” at the end of existing criterion 3. of the policy and add a new criterion 4. that reads: “there will be no significant harmful impacts on residential amenity.”</p>	<p>Agreed, policy amended and new criterion added as recommended.</p>
<p>Policy ABY5 Landscape character</p>	<p>Change paragraph 1. of the policy to read: “the characteristics and guidelines for the Landscape Type of the proposed site, as defined in the latest Landscape Character Assessment...” [retain remainder of existing paragraph as is]</p>	<p>Agreed, policy amended as recommended.</p>
<p>Policy ABY6 Key views</p>	<p>Change the policy to read: “To be supported, development proposals must demonstrate that they are sited, designed and</p>	<p>Agreed, policy amended as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>of a scale so that they do not have a detrimental impact on the key features of the Key Views identified in Table 1 and on Plan 5.”</p> <p>Substitute “north west” for “...north east...” in KV8 in Table 1 on page 23 of the Plan</p> <p>Correct the position of KV8 on Plan 5 by showing it further south along Clows Top Road, closer to its junction with the A443</p>	<p>Agreed, Table 1 amended as recommended.</p> <p>Agreed, position of KV8 on Plan 5 amended as recommended.</p>
<p>Policy ABY7 Biodiversity and geodiversity</p>	<p>Delete the words “or immediately adjoining” from the first sentence of the Policy</p> <p>Delete the two Local Geological Sites (Abberley Hall East and Shavers End) which do not wholly or partly fall within the Plan area from the policy</p> <p>Change the wording of paragraph 6.13 on page 27 of the Plan to read: “There are five Local Geological Sites within the Neighbourhood Area, listed for their scientific and educational value (Abberley Village Quarry is also designated for its historical value). Two sites, Abberley Hall east and Shavers End also adjoin the Plan area. It is possible that development within the Plan area may compromise their favourable condition and this should be noted by developers.” [retain existing bullet point list but remove the sites which adjoin the Plan area]</p> <p>Amend Plan 7 to remove the two Local Geological Sites</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, Abberley Hall East and Shavers End deleted from the policy as recommended.</p> <p>Agreed, paragraph 6.13 amended as recommended.</p> <p>Agreed, Abberley Hall East and</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	(Abberley Hall East and Shavers End) which do not wholly or partly fall within the Plan area	Shavers End removed from Plan 7 as recommended.
Policy ABY8 Local Green Spaces	Amend the second paragraph of the policy to read: "Development in the Local Green Spaces will be consistent with national policy for Green Belts."	Agreed, second paragraph of the policy amended as recommended.
Policy ABY9 Building design	In criterion 2 of the policy, delete the phrase "... (particularly for affordable and shared ownership homes)..." and the two sentences that begin "All new housing should achieve the highest standards..." and "The estimated consumption..." Change the last part of criterion 3. to read: "...and take every available opportunity to promote walking and cycling; and"	Agreed, policy amended as recommended. Agreed, policy amended as recommended.
Policy ABY10 Abberley Conservation Area	Create a new section for paragraphs 7.19 and 7.20 with a heading "Non- designated Heritage Assets" to match other headings in the chapter, see for example Building Design Change the order of existing paragraphs 7.20 and 7.19 so that existing paragraph 7.20 becomes paragraph 7.19	Agreed, new "Non- designated Heritage Assets" section created for paragraphs 7.19 and 7.20 as recommended. Agreed, the order of paragraphs 7.19 and 7.20 changed as recommended.

Planning Practice Guidance says that a local planning authority may make minor (non-material) updates to a neighbourhood plan which does not materially affect the policies in the plan at any time with the consent of the qualifying body.		
Part of Document	Proposed Minor Update	MHDC Response

<p>Introduction</p>	<p>It is proposed that paragraph 1.3 be replaced with the following text to reflect the latest stage in the development of the Neighbourhood Plan – “The Neighbourhood Plan preparation process is outlined in Figure 1. The Parish Council consulted on a draft NDP in June – August 2020. The draft was revised to take account of comments received and the amended NDP was submitted to Malvern Hills District Council in November 2020. Following submission, Malvern Hills District Council consulted on the draft NDP between December 2020 and January 2021 and appointed an independent Examiner. Examination of the NDP was undertaken in March / April 2021. The Examiner’s Report, published in April 2021, concluded that, subject to recommended modifications, the NDP meets the Basic Conditions and can proceed to referendum. It is anticipated that a local referendum will be held in Abberley on 24th June 2021. If the majority of those who vote in the referendum (more than 50%) do so in favour of the NDP then it must be made (brought into legal effect) by Malvern Hills District Council.</p>	<p>Agreed, replacement of paragraph 1.3 does not materially affect the policies in the plan and reflects progress in the Neighbourhood Plan preparation process.</p>
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