



## **Abberley Neighbourhood Plan**

### **Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)**

On 20 July 2021 Malvern Hills District Council decided to make the Abberley Neighbourhood Plan under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended). The Abberley Neighbourhood Plan now forms part of the Development Plan for Malvern Hills District.

#### **Reasons for the Decision**

The Abberley Neighbourhood Plan meets the Basic Conditions and its promotion process is compliant with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the Referendum have voted in favour of the Plan being used to help decide planning applications in the area. The Plan was endorsed by more than the required threshold in the Referendum on 24 June 2021.

#### **Background**

The Abberley Neighbourhood Plan was prepared by Abberley Parish Council, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the parish of Abberley as a Neighbourhood Area for the purposes of preparing a neighbourhood plan was approved by Malvern Hills District Council in August 2015.

The Parish Council published the draft Abberley Neighbourhood Plan for pre-submission consultation between 29 June and 24 August 2020, in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Parish Council submitted the draft Abberley Neighbourhood Plan and supporting documents (including a Basic Conditions Statement and Consultation Statement) to the District Council in November 2020. The submitted Plan was published by the District Council for public consultation between 4 December 2020 and 22 January 2021.

Malvern Hills District Council, with the consent of Abberley Parish Council, appointed an independent examiner, Ann Skippers, to review the Plan and consider whether it should proceed to referendum.

The Examiner's Report was received on 16 April 2021. The examiner recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. The modifications are required to ensure that the Plan will meet the Basic Conditions and legal requirements. The examiner also recommended that the area for the referendum be based on the designated neighbourhood area which the Plan relates to.

Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the District Council to make the Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area.

A local referendum was held in Abberley on 24 June 2021 to decide whether the local community were in favour of the Abberley Neighbourhood Plan. From the votes recorded, 148 out of 167 (89%) of the votes cast were in favour of the Plan. The turnout of electors was 30%.

The District Council has also assessed and concluded that the Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). As such, the District Council decided on 20 July 2021 to make (adopt) the Abberley Neighbourhood Plan so that it is part of the statutory Development Plan for Malvern Hills District, sitting alongside the South Worcestershire Development Plan and other material considerations in determining planning applications in the parish of Abberley.

### **Inspection of Decision Statement and made Neighbourhood Plan**

This decision statement can be viewed on the Malvern Hills District Council and Abberley Parish Council websites:

<https://www.malvern hills.gov.uk/planning/planning-policy/neighbourhood-planning>

<https://www.abberleyparish.org.uk/>

In accordance with Regulation 20 of the Regulations, the Abberley Neighbourhood Plan can be viewed on the Malvern Hills District Council and Abberley Parish Council websites:

<https://www.malvernhills.gov.uk/planning/planning-policy/neighbourhood-planning>

<https://www.abberleyparish.org.uk/>

Paper copies of this statement and the made Abberley Neighbourhood Plan can also be viewed at:

- Customer Services, Malvern Hills District Council, Council House, Avenue Road, Malvern, WR14 3AF (*Monday-Friday 9am-5pm*)
- Malvern Library, Graham Road, Malvern, WR14 2HU (*Monday, Tuesday, Wednesday, Thursday and Friday 9am-5.00pm and Saturday 9am-4pm*)

Vic Allison

Chief Executive

Malvern Hills District Council

21 July 2021