

# Malvern Hills District Council



## Hallow Neighbourhood Plan Decision Statement

### Hallow Neighbourhood Plan

I confirm that the Hallow 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 24<sup>th</sup> 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 Hallow Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 24<sup>th</sup> June 2021.

## **Background**

On 14 July 2017, Malvern Hills District Council designated the parish of Hallow as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Hallow Neighbourhood Plan Regulation 14 consultation which took place from 15 June to 8 August 2020. The consultation responses fed into the final version of the Hallow Neighbourhood Plan which was submitted to Malvern Hills District Council in December 2020, along with the associated Basic Conditions Statement, Consultation Statement and a Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion.

The Hallow Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ran from 15 January to 26 February 2021.

Malvern Hills District Council appointed an independent Examiner, Christopher Collison, to review whether the Plan should proceed to referendum in January 2021.

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 Hallow 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 Hallow 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><b>Policy HAL1 Development of Land at Greenhill Lane</b></p>	<p>In Policy HAL1:</p> <ul style="list-style-type: none"> <li>• after “Hallow” insert “identified on Map 7”</li> <li>• replace “will have to take account of the following” with “must conform to the following principles”</li> <li>• insert “vehicular” before “access”</li> <li>• replace “the need to provide” with “provision of”</li> <li>• replace “the development should include” with “provision of”</li> <li>• move “and” from the end of part b) to the end of part c) and adjust punctuation</li> <li>• insert part d) “demonstrate that all surface water discharges have been carried out in accordance with the principles laid out within the drainage hierarchy, in such</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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	<p>that discharges to the public sewerage systems are avoided, where possible.”</p> <p>Include in supporting background/justification text reference to the drainage requirement inserted as part d) of the policy.</p>	<p>Agreed, background/justification amended to include reference to drainage requirement.</p>
<p><b>Policy HAL3 Housing Design</b></p>	<p>In Policy HAL3:</p> <ul style="list-style-type: none"> <li>• commence the policy with “To be supported”</li> <li>• replace “use” with “demonstrate reference to”</li> <li>• delete “other relevant studies e.g., those relating to landscape and heritage”</li> <li>• delete “Where relevant,”</li> <li>• after “development proposals” insert “requiring a design and access statement”</li> <li>• replace “but pay special attention to the needs of” with “including”</li> </ul>	<p>Agreed, policy amended as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<b>Policy HAL4 Landscape</b>	Replace Policy HAL4 with "To be supported development proposals must demonstrate that: the characteristics and guidelines for the Landscape Type of the proposed site (see Map 11), as defined in the Worcestershire Landscape Assessment, have positively influenced the siting, design, scale, layout, landscaping and boundary treatment of the proposal; and every available practical and viable opportunity has been taken to strengthen the landscape character of the relevant Landscape Type, by retaining and conserving existing features such as trees, woodland and hedgerows, and by restoring, enhancing and making new provision where this is appropriate."	Agreed, Policy HAL4 replaced as recommended.
<b>Policy HAL5 Dark Skies</b>	Replace Policy HAL5 with "In the interests of reducing light pollution and improving views of the night-time sky, to be supported planning proposals must: (a) only include external lighting that is essential for the maintenance of health and safety for users of the development; and (b) include measures to avoid light spillage beyond the development site and beyond any plot within it."	Agreed, Policy HAL5 replaced as recommended.
<b>Policy HAL6 Local Green Spaces</b>	<p>In Policy HAL6 replace the text before the list with "The following areas identified on the Policies Map and Map 12 are designated as Local Green Space:"</p> <p>Add insets to Map 12 that identify Local Green Spaces reference HAL 6/3 and HAL 6/4 at sufficient scale so that boundaries of the designated areas can be clearly identified.</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, insets added to Map 12 so that the boundaries of Local Green Spaces HAL 6/3 and HAL 6/4 can be clearly</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
		identified.
<p><b>Policy HAL8 Green Infrastructure</b></p>	<p>In Policy HAL8:</p> <ul style="list-style-type: none"> <li>• modify the policy title to “Green Infrastructure Network”</li>   <li>• replace the text before point i with “To be supported development proposals that impact on the green infrastructure network identified on the Policies Map and on Map 13 must demonstrate how new development: a) Avoids significant harm to the following key features of the green infrastructure network:”</li>   <li>• replace the full stop in part i with a semi-colon</li>   <li>• in part b) after “provision” insert “that will enhance the green infrastructure network” and after “lost” insert “from the green infrastructure network”</li>   <li>• replace “Consideration should also be” with “Development proposals should demonstrate that consideration has been”</li>   <li>• delete “where relevant”</li> </ul>	<p>Agreed, policy title changed as recommended.</p> <p>Agreed, policy amended as recommended.</p>

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	<p>Modify Map 13 and the Policies Map to exclude from the Green Infrastructure Network the area of land north of Heath Farm buildings stretching almost to the Neighbourhood Area north boundary, west of the A443, and east of properties fronting Moseley Road.</p>	<p>Agreed, Map 13 and the Policies Map modified to exclude from the Green Infrastructure Network the area of land north of Heath Farm buildings stretching almost to the Neighbourhood Area north boundary, west of the A443, and east of properties fronting Moseley Road</p>
<p><b>Policy HAL9 Biodiversity</b></p>	<p>In Policy HAL9:</p> <ul style="list-style-type: none"> <li>• replace the text before “a)” with “To be supported development proposals must demonstrate a net gain in biodiversity wherever practical and viable by:”</li> <li>• in part a) delete “woodland, ancient and notable trees (Table 9 and Map 14),”</li> <li>• replace the final sentence with “Development proposals that will result in the loss or deterioration of ancient woodland and ancient or veteran trees identified in Table 9 and Map 14 will not be supported unless there are wholly exceptional reasons, and suitable compensation will be achieved.”</li> </ul>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p>
<p><b>Policy HAL10 Community Facilities</b></p>	<p>In Policy HAL10:</p>	

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<b>and Local Shops</b>	<ul style="list-style-type: none"> <li>• replace “particularly” with “or”</li> <li>• delete “(or its successor)” on both occasions</li> </ul> <p>Improve the legibility of the numbering of facilities on Map 17</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p> <p>Agreed, legibility of numbering of facilities on Map 17 improved as recommended.</p>
<b>Policy HAL11 Recreation</b>	<p>Replace Policy HAL11 with “Development of the recreation facilities HAL11/2 Hollybank and children’s playground and HAL11/5 Allotments, identified on the Policies Map and Map 18 will only be supported when in accordance with Policy SWDP38.</p> <p>Note: facilities HAL11/1 Playing fields and pavilion; HAL11/3 Scout hut; and HAL11/4 Hallow Tennis Club are previously protected by Policy SWDP38.”</p>	<p>Agreed, Policy HAL 11 replaced as recommended.</p>
<b>Policy HAL12 Hallow Conservation Area</b>	<p>In Policy HAL12 replace “preserve” with “conserve”</p>	<p>Agreed, policy amended as recommended.</p>
<b>Policy HAL13 Non-designated Heritage Assets</b>	<p>In Policy HAL13 delete the third paragraph</p>	<p>Agreed, third paragraph deleted as recommended.</p>
<b>Policy HAL14 Archaeological Assets</b>	<p>In Policy HAL14 replace “conserve or enhance” with “avoid or minimise any conflict with”</p>	<p>Agreed, policy amended as recommended.</p>

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	Include in the background/justification text a list of surface and sub-surface archaeology included in the Worcestershire Historic Environment Record, and a Map showing the location of those recorded items.	Agreed, background/justification text includes a list of surface and sub-surface archaeology included in the Worcestershire Historic Environment Record, and a Map showing the location of those recorded items.
<b>Policy HAL15 Sustainable Transport</b>	In Policy HAL15 replace "to Worcester" with "towards Worcester"	Agreed, policy amended as recommended.
<b>Modification of general text, figures or images to achieve consistency with the modified policies, to correct identified errors, and so it is evident how a decision maker should react to development proposals</b>		
	<p>The following modifications are recommended to correct the following issues or errors:</p> <ul style="list-style-type: none"> <li>• Paragraph 1.1 – It is considered that the final sentence will be redundant following examination of the NDP.</li> <li>• Paragraphs 1.4 and 1.6 will need to be updated / amended as the Neighbourhood Plan progresses through the NDP stages.</li> <li>• Paragraph 2.22 refers to maps of protected and notable species on Maps 10, 11 and 15 – 17. Map 17, however, relates to community facilities and local shops.</li> </ul>	<p>Agreed, final sentence of paragraph 1.1 deleted as recommended.</p> <p>Agreed, paragraphs 1.4 and 1.6 updated to reflect progress of the HNDP through the NDP stages as recommended.</p> <p>Agreed, reference to Map 17 (Community facilities and shops) deleted for accuracy.</p>

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	<ul style="list-style-type: none"> <li>• Paragraph 5.2 – It is considered that the final sentence is slightly mis-leading and unnecessary and should be deleted.</li> <li>• Paragraph 6.28 refers to the Hallow Design Guide (Figure 7). It is considered that there needs to be clarity about whether applicants must demonstrate whether their proposals should respond to the elements of the Design Guide shown in Figure 7 or to the full Hallow Design Guide prepared by AECOM. Policy HAL3 refers to the Hallow Design Guide. Paragraph 6.28 should make it clear Figure 7 merely draws out a selection of points from the Hallow Design Guide.</li> <li>• Paragraph 6.29 refers to a report titled “Living with Beauty” produced by the building Better, Building Beautiful Commission. It is not clear what the relevance of this document is to Policy HAL3. It is suggested that this paragraph should be deleted.</li> <li>• In Table 7 delete the reference numbers presented in brackets.</li> </ul>	<p>Agreed, final sentence of paragraph 5.2 deleted as recommended.</p> <p>Agreed. Paragraph 6.28 amended to clarify that Figure 7 Guide draws out a selection of points from the Hallow Design Guide.</p> <p>Agreed, paragraph 6.29 deleted as recommended.</p> <p>Agreed, reference numbers presented in brackets in Table 7 deleted as recommended.</p>

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	<ul style="list-style-type: none"> <li>• Paragraph 7.21 replace Maps 10, 11 and 15 -17 with Maps 9, 10 and 14 – 16.</li>   <li>• Paragraph 9.16 - For accuracy, it is suggested that the words “by the Parish Council” be inserted between “identified” and “in” in the penultimate sentence.</li> </ul>	<p>Agreed, text in paragraph 7.21 amended to correct error as recommended.</p> <p>Agreed, text in paragraph 9.16 amended for clarity/accuracy as recommended.</p>
<p><b>HAL1 Development of Land at Greenhill Lane</b></p>	<p>The following modifications are recommended for Policy HAL 1 to delete or amend information in the Reasoned Justification that is either unnecessary or slightly misleading:</p> <ul style="list-style-type: none"> <li>• Paragraphs 6.5 &amp; 6.6 – Reference to the “recently completed” SWDPR Preferred Options consultation in paragraph 6.5 is historic and will become out-of-date. Similarly, reference to the “emerging” indicative housing requirement in paragraph 6.6.</li>   <li>• Paragraph 6.7 – The final sentence relates to future reviews of the SWDP and NDP and are not relevant to</li> </ul>	<p>Agreed, text in third and fourth sentences of paragraph 6.5 amended to read “The SWDPR Preferred Options consultation (November 2019) included ...”</p> <p>Agreed, text in final sentence of paragraph 6.6 amended to read “...meet the indicative housing requirement for Hallow (July 2019) ...”</p> <p>Agreed, final sentence of paragraph 6.7 deleted as recommended.</p>

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	<p>Policy HAL1. It is suggested that this sentence be deleted.</p> <ul style="list-style-type: none"> <li data-bbox="600 416 1447 999">• Paragraphs 6.8 to 6.10 – The Indicative Housing Requirement figures were prepared by officers from the South Worcestershire Councils (not Joint Advisory Panel). Reference to “At present” and details of the methodology in paragraph 6.9 will quickly become out-of-date. For accuracy and relevance, it is suggested that paragraphs 6.8 to 6.10 could be replaced with “Following a request from the Parish Council, the South Worcestershire Councils prepared indicative housing requirement figures for Hallow in July 2019 in accordance with paragraph 66 of the Framework. The indicative figures, which should be regarded as a minimum, and may change in the SWDPR, indicate a housing requirement of 1 dwelling in the period 2021 – 2030 and a further 21 dwellings in the period 2031 – 2041.”</li> <li data-bbox="600 1078 1447 1289">• Paragraph 6.11 - It is misleading to say that “... leaving theoretically no dwellings to find up to 2041.” The indicative housing requirements are “indicative”, may be subject to change and are minimum requirements. It is therefore suggested that the above wording is deleted.</li> </ul>	<p>Agreed, paragraphs 6.8 to 6.10 replaced by alternative text as recommended.</p> <p>Agreed, text saying “, leaving theoretically no dwellings to find up to 2041” deleted from paragraph 6.11 as recommended.</p>

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	<ul style="list-style-type: none"> <li>• Paragraph 6.12 – Final sentence should be amended to read "...cannot be guaranteed that no other site ..."</li>   <li>• Map 7 – Policy HAL1 relates to the allocation of land at Green Hill Lane. It is considered that the proposed allocation of the site at Tinkers Coppice Farm in the SWDPR has been overtaken by events in light of the MoU between the SWCs and the Parish Council and that showing the Tinkers Coppice site on Map 7 is unnecessary and unhelpful to the NDP.</li>   <li>• Paragraph 6.14, bullet point 1 – As a matter of accuracy, the MoU does not say that land at Greenhill Lane will be identified in the SWDPR. Rather, the MoU says that the SWC's will "Not allocate sites for housing in the Neighbourhood Area through the SWDPR if the Parish Council can demonstrate that it can meet the housing requirement for Hallow through the neighbourhood planning process."</li>   <li>• Paragraph 6.14, bullet point 2, final sentence – allocating land at Green Hill Lane because it is outside the Significant Gap is not a planning reason for allocating the site. It is suggested that the final sentence be</li> </ul>	<p>Agreed, word "no" inserted between "that" and "other" in final sentence of paragraph 6.12 as recommended.</p> <p>Agreed, Map 7 (and references to the map) deleted as recommended.</p> <p>Agreed, for accuracy, first bullet point of paragraph 6.14 amended as recommended. Text in first bullet point replaced with text which reflects the Memorandum of Understanding between South Worcestershire Councils and Hallow Parish Council</p> <p>Agreed, final sentence of bullet point 2 in paragraph 6.14 deleted as recommended.</p>

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	<p>deleted.</p> <ul style="list-style-type: none"> <li>Paragraph 6.14, bullet point 6 – the justification for the requirement for the site to connect to the Broadheath Hallow Cycle Loop does not seem clear.</li> </ul>	<p>Agreed, bullet point 6 of paragraph 6.14 deleted as recommended.</p>
<b>Correction of Errors</b>	<p>The following modifications are recommended in order to correct errors. Minor changes only in so far as it is necessary to correct an error, or where it is necessary so that the Neighbourhood Plan provides a practical framework which makes it evident how a decision maker should react to development proposals as required by paragraph 16 of the Framework.</p> <ul style="list-style-type: none"> <li>the penultimate sentence of paragraph 6.16 of the Neighbourhood Plan does not reflect Policy HAL1. I recommend that sentence should be amended to reflect Policy HAL1.</li> <li>the reasoned justification to Policy HAL9 appears to include elements the relevance of which to the policy is unclear including reference to Map11 and to Policy SWDP7. I recommend the reasoned justification should be adjusted so it is relevant to the policy.</li> <li>paragraph 8.11 says that the Parish Council will support</li> </ul>	<p>Agreed, penultimate sentence of paragraph 6.16 amended to better reflect Policy HAL1.</p> <p>Agreed, reference to Maps 10 and 11 in paragraph 7.28 replaced by reference to Maps 9 and 10 and reference to SWDP 7 in paragraph 7.31 replaced by reference to SWDP 22 to correct errors.</p> <p>Agreed, reference to SWDP 38 in</p>

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	<p>improvements to key facilities. Given that some of the proposed recreation facilities meet the definition of community facilities, it is unclear why proposals for development affecting these sites would be assessed against SWDP 38 (Green Space) rather than SWDP 37A (which would relate to the enhancement of the facilities). I recommend paragraph 8.11 should be adjusted to refer to policy SWDP37A also.</p> <ul style="list-style-type: none"> <li>paragraph 10.5 says that the “existing Broadheath-Hallow Loop” is an example of off-road cycling infrastructure which would be supported. The text says this is shown between points 15 and 16 on Map 20. Map 20, however, does not appear to show points 15 and 16. Map 20 does, however, helpfully show the location where improvements to the PROW network would be supported.” General text must not introduce policy statements. I recommend the two final sentences of paragraph 10.5 of the Neighbourhood Plan are deleted.</li> </ul>	<p>paragraph 8.11 to be replaced by SWDP 37A which relates to the enhancement of existing built community facilities and provision of new facilities.</p> <p>Agreed, the two final sentences of paragraph 10.5 (and associated footnote) deleted as recommended.</p>
	<p>The following changes are not necessary to meet the Basic Conditions or Convention Rights, nor necessary to correct errors, but the Examiner has no objection to the changes being made:</p> <ul style="list-style-type: none"> <li>Paragraph 3.9 – It may be appropriate to provide a link to the District Council’s webpage for the Hallow NDP -</li> </ul>	<p>Agreed, for consistency paragraph 3.9 amended to include links to relevant webpages on both the Parish and</p>

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	<p><a href="https://www.malvern hills.gov.uk/planning/planning-policy/neighbourhood-planning/hallow-neighbourhood-plan">https://www.malvern hills.gov.uk/planning/planning-policy/neighbourhood-planning/hallow-neighbourhood-plan</a></p> <ul style="list-style-type: none"> <li>Paragraph 5.1 refers to a Policies Map that accompanies the written document. To provide greater clarity so that a decision maker can apply the policies consistently and with confidence when determining planning applications, it is suggested that the Policies Map is incorporated into the body of the Plan. The Parish Council has commented that there is no requirement for the Policies Map to be within the main body of the Neighbourhood Plan document.</li> </ul>	<p>District Council's websites.</p> <p>Agreed, for ease of reference, Policies Map to be included in the Neighbourhood Plan in Section 5 (Hallow Neighbourhood Development Plan Policies).</p>
<p><b>Consequential Modifications and Minor Corrections</b></p>	<p>A number of consequential modifications to the general text, and in particular the 'reasoned justification' and other general text of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. Reasoned justification and other supporting text must not introduce any element of policy that is not contained within the Neighbourhood Plan policies.</p>	<p>Consequential modifications have been made for the re-numbering of maps and paragraphs as a result of recommended modifications relating to policies.</p>