



Hanley Castle Parish 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 22 January 2019 Malvern Hills District Council decided to make the Hanley Castle Parish Neighbourhood Plan under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended). The Hanley Castle Parish Neighbourhood Plan now forms part of the Development Plan for Malvern Hills District.

Reasons for the Decision

The Hanley Castle Parish 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 29 November 2018.

Background

The Hanley Castle Parish Neighbourhood Plan was prepared by Hanley Castle Parish Council, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the parish of Hanley Castle as a Neighbourhood Area for the purposes of preparing a neighbourhood plan was approved by Malvern Hills District Council in July 2014.

The Parish Council published the draft Hanley Castle Parish Neighbourhood Plan for pre-submission consultation between 28 April and 12 June 2017, in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Parish Council submitted the draft Hanley Castle Parish Neighbourhood Plan and supporting documents (including a Basic Conditions Statement and Consultation Statement) to the District Council in January 2018. The submitted Plan was

published by the District Council for public consultation between 16 February and 6 April 2018.

Malvern Hills District Council, with the consent of Hanley Castle 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 20 August 2018. 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 Hanley Castle on 29 November 2018 to decide whether the local community were in favour of the Hanley Castle Parish Neighbourhood Plan. From the votes recorded, 177 out of 218 (81%) of those who voted were in favour of the Plan. The turnout of electors was 18.7%.

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 22 January 2019 to make (adopt) the Hanley Castle Parish 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 Hanley Castle.

Inspection of Decision Statement and made Neighbourhood Plan

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

<https://www.malvernhills.gov.uk/hanley-castle>

<https://hanleyswan.net/category/parish-council/neighbourhood-plan-nhp/>

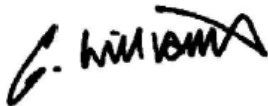
In accordance with Regulation 20 of the Regulations, the Hanley Castle Parish Neighbourhood Plan can be viewed on the Malvern Hills District Council and Hanley Castle Parish Council websites:

<https://www.malvernhills.gov.uk/hanley-castle>

<https://hanleyswan.net/category/parish-council/neighbourhood-plan-nhp/>

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

- Malvern Hills District Council, Council House, Avenue Road, Malvern, WR14 3AF (*Monday-Friday 9am-5pm*)
- Malvern Library, Graham Road, Malvern, WR14 2HU (*Monday, Thursday and Friday 9am-5.00pm, Tuesday and Wednesday 9am-7pm and Saturday 9am-4pm*)



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23 January 2019