

## Malvern Hills District Council



### Kempsey Neighbourhood Plan Decision Statement

#### Kempsey Neighbourhood Plan

I confirm that the Kempsey 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 5 October 2017.

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 'G. Williams', with a stylized flourish at the end.

Gary Williams

Head of Housing and Planning Services, Malvern Hills District Council

## **Summary**

Following an independent examination, Malvern Hills District Council now confirms that the Kempsey Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 5 October 2017.

## **Background**

On 2 July 2013, Malvern Hills District Council designated the area comprising the Parish of Kempsey as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Kempsey Neighbourhood Plan Regulation 14 consultation which took place from 12 March to 30 April 2016. The consultation responses fed into the final version of the Kempsey Parish Neighbourhood Plan which was submitted to Malvern Hills District Council in January 2017, along with the associated Basic Conditions Statement, Consultation Statement and Strategic Environmental Assessment Screening Opinion.

The Kempsey Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ran from 13 January to 24 February 2017.

Malvern Hills District Council appointed an independent Examiner, Andrew Ashcroft of Andrew Ashcroft Planning Ltd, to review whether the Plan should proceed to referendum in May 2017.

Having considered each of the recommendations made in 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 Kempsey 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 Kempsey 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  |
|---|--|--|
| <b>First paragraph,<br/>page 6</b>                                | Replace “new” with “adopted”   | Agreed, wording to be replaced as recommended.                   |
| <b>Paragraph 4.1,<br/>page 13</b>                                 | Delete “the South...(SWDP)”  | Agreed, phrase to be deleted as recommended.                     |
| <b>Policy K1,<br/>page 19</b><br><br><b>Figure 5,<br/>page 18</b> | In criterion a) replace “wherever...development land” with “to use land”<br><br>Include the parcel of land to the south of Post Office Lane with planning permission (14/00625/FUL) within the Development Boundary  | Agreed, policy and figure to be updated as recommended.          |
| <b>Policy K2,<br/>page 20</b>                                     | In the opening part of the policy delete “within...but”<br><br>In the second sentence of the policy replace “when it is” with “where it would be one of the following”<br><br>Delete “for new dwellings...the following”<br><br>Insert “or” at the end of a), b) and c)<br><br>Replace the opening part of the third paragraph of the submitted policy with: “Proposals for the following alterations to existing dwellings outside the village development boundary will be supported:”<br><br>Change e) to a) and f) to b) | Agreed, policy and supporting text to be updated as recommended. |

| Part of Document  | Examiner's Recommended Modification(s)  | MHDC Response   |
|---|---|---|
|   | In paragraph 5.11 delete "may come forward" in the penultimate line   |   |
| <p><b>Policy K4,<br/>page 23</b></p>  | <p>Delete the second part of the policy</p> <p>Insert the deleted element of policy at the end of paragraph 5.20</p> <p>At the end of paragraph 5.19 add: "The definition of the Significant Gap in this Plan is slightly different from that in the SWDP. It includes that part of SWDP 59f which is to be retained as open space"</p> | <p>Agreed, policy and supporting text to be updated as recommended.</p>         |
| <p><b>Policy K5,<br/>pages 24-25</b></p>                                      | <p>Delete the second part of the policy</p> <p>Insert the deleted element of the policy at the end of paragraph 5.21</p>  | <p>Agreed, policy and supporting text to be updated as recommended.</p>         |
| <p><b>Policy K6,<br/>page 26</b></p>  | <p>In paragraph 5.25 third line replace "listed" with "included"</p>  | <p>Agreed, supporting text to be updated as recommended.</p>                    |
| <p><b>Policy K7,<br/>pages 26-30</b></p> <p><b>Figure 11,<br/>page 40</b></p> | <p>Delete the second part of the policy (referring to Figure 11)</p> <p>Insert the deleted part of the policy at the end of paragraph 5.29</p> <p>Reproduce Figure 11 with greater sharpness and an appropriate key to identify the Valued Landscapes</p>   | <p>Agreed, policy, supporting text and figure to be updated as recommended.</p> |
| <p><b>Policy K8,<br/>pages 31-33</b></p>                                      | <p>Replace the policy with:</p> <p>"The following are identified as important community facilities in the Plan area:</p> <p>[Reproduce list - K8/1 to K8/11]</p> <p>Any proposal that would result in the loss of any of these community</p>  | <p>Agreed, policy and supporting text to be updated as recommended.</p>         |

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|---|--|---|
|   | <p>facilities will only be supported if the criteria set out in SWDP Policy 37B are met"</p> <p>Insert the following at the end of paragraph 5.32: "It has been designed to follow the same format. Annex F of the SWDP provides clear and robust guidance on the need for appropriate marketing of community facilities to ensure that it could not be satisfactorily operated by an alternative occupier or organisation.</p>  |   |
| <p><b>Policy K9,<br/>page 34</b></p>      | <p>In criterion d) delete "They are" and insert "to the community" between "accessible" and "by"</p> <p>In Paragraph 5.34 insert "particular" between "a" and "requirement"</p> <p>In Paragraph 5.36 replace "managed" with "used"</p>   | <p>Agreed, policy and supporting text to be updated as recommended.</p> |
| <p><b>Policy K10,<br/>pages 35-37</b></p> | <p>In Policy K10B (first and second paragraphs) delete "further"</p> <p>In the second paragraph replace "enabling housing...be considered" with "a site for enabling housing development is identified"</p> <p>In the second paragraph (final sentence) replace "would" with "will"</p> <p>In criterion c) replace "the minimum necessary to provide" with "directly related in scale to its role in providing"</p> <p>Insert a new paragraph into the policy to read: "Where it can be demonstrated that new residential development is required on land to the east of Old South Road to assist in the development of the community,</p> | <p>Agreed, policy and supporting text to be updated as recommended.</p> |

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|------------------|--|---------------|
|                  | <p>recreation and sport elements of this policy, that residential development will be supported where it meets the following criteria:</p> <ul style="list-style-type: none"> <li>a) it provides for a high design quality in accordance with SWDP Policy 21;</li> <li>b) it contains a mix of types and sizes of housing in accordance with SWDP Policy 14 and Policy K3 of this Plan;</li> <li>c) it provides for satisfactory vehicular access and on-site parking in accordance with development plan standards;</li> <li>d) it safeguards the residential amenities surrounding residential properties; and</li> <li>e) it provides for open space in accordance with development plan standards.</li> </ul> <p>In paragraph 5.44 replace the final two sentences with “Access to the recreation land will be from Pixham Ferry Lane. Detailed discussions are taking place with Worcestershire County Council to address highway safety and passing bay issues. The scheme will be expected to take account of the need for safe pedestrian routes to new recreation area and to ensure satisfactory drainage”</p> <p>In paragraph 5.46 (second sentence) replace “Currently the preferred” with “The chosen”. At the end of the paragraph include the following additional supporting text: “The final part of Policy K10B sets out a series of criteria with which any required enabling housing development will need to comply. It is important that this component of the wider package meets development plan policies in general and results in high quality development in particular. In the event that the residential component of the scheme is triggered it should be submitted and determined as part of a</p> |               |

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|  | <p>wider package with the application for the community and recreation development. It is anticipated that the two components of the scheme would be linked by a planning obligation. This matter will be determined by the District Council based on the details of the planning application and its supporting documentation".</p> <p>In paragraph 5.47 delete "preferred". In its final sentence replace "K10Bii" with "K10Bi" and delete "(minimum 5 hectares)"</p>  |  |
| <p><b>Policy K11,<br/>pages 38-39</b></p>                                      | <p>Show the six Local Green Spaces on a separate inset map (or inset maps) of an appropriate scale for accurate identification purposes</p>  | <p>Agreed, inset map(s) to be inserted as recommended.</p>     |
| <p><b>Policy K12,<br/>pages 39-42</b></p> <p><b>Figure 11,<br/>page 40</b></p> | <p>Insert a second part of the policy as follows: "Development proposals that would have a detrimental impact on the identified Green Infrastructure Network will not be supported unless:</p> <p>a) a robust, independent assessment of community and technical need shows that such sites are surplus in a particular location; or</p> <p>b) replacement of, or investment in, green infrastructure of at least equal community and technical benefit is secured"</p> <p>Reproduce Figure 11 with greater sharpness and with an appropriate key to identify the Green Infrastructure Network</p> | <p>Agreed, policy and figure to be updated as recommended.</p> |
| <p><b>Policy K13,<br/>page 43</b></p>  | <p>Delete a) and b) and replace with:</p> <p>a) they support an existing business; and</p> <p>b) they facilitate the development of a new enterprise of a scale appropriate to the location"</p>   | <p>Agreed, policy to be updated as recommended.</p>            |

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|------------------------------------|---|---|
|                                    | Insert a new paragraph at this point to read: "Proposals that involve the re-use of existing land or buildings or would allow the diversification of an existing enterprise will be particularly supported"   |   |
| <b>Policy K14,<br/>pages 43-44</b> | In paragraph 5.58 replace "rural businesses" with "employment sites outside the development boundary"   | Agreed, supporting text to be updated as recommended. |
| <b>Policy K15,<br/>page 45</b>     | <p>Replace the policy with the following: "Proposed new developments should provide for their own parking and transportation requirements.</p> <p>Proposed development that is otherwise acceptable and which cannot provide for its own parking and transportation requirements will only be supported where it is accompanied by appropriate mitigation measures and/or makes contributions to transportation projects that will ensure suitable mitigation."</p> | Agreed, policy to be updated as recommended.          |
| <b>Appendix 2,<br/>pages 55-61</b> | Insert "District Council" after "Hills"   | Agreed, wording to be inserted as recommended.        |