

## Malvern Hills District Council



### Malvern Town Neighbourhood Plan

#### Decision Statement

##### Malvern Town Neighbourhood Plan

I confirm that the Malvern Town 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 2<sup>nd</sup> May 2019.

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 Planning and Infrastructure, Malvern Hills District Council

## **Summary**

Following an independent examination, Malvern Hills District Council now confirms that the Malvern Town Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 2<sup>nd</sup> May 2019.

## **Background**

On 22 August 2014, Malvern Hills District Council designated the area defined by the boundaries of Malvern Town Council as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Malvern Town Neighbourhood Plan Regulation 14 consultation which took place from 17 November 2017 to 26 January 2018. The consultation responses fed into the final version of the Malvern Town Neighbourhood Plan which was submitted to Malvern Hills District Council in October 2018, along with the associated Basic Conditions Statement, Consultation Statement and Strategic Environmental Assessment Screening Opinion.

The Malvern Town Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ran from 9 November to 21 December 2018.

Malvern Hills District Council appointed an independent Examiner, Christopher Collison, to review whether the Plan should proceed to referendum in October 2018.

Having considered each of the recommendations made by the Examiner's report and the reasons for them, in consultation with the Town Council, Malvern Hills District Council has decided to make the modifications to the draft Malvern Town 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 Town Council, to ensure that the Malvern Town 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 MSD1 Promoting and achieving sustainable development</b></p>	<p>In Policy MSD1 delete the second sentence.</p>	<p>Agreed, second sentence deleted as recommended.</p>
<p><b>Policy MG1 Local Green Space</b></p>	<p>Replace Policy MG1 with “The following areas (identified on the Key Diagram, Figure 5.1, and on Figures 5.1.1 to 5.1.7) are designated as Local Green Space where development will be ruled out other than in very special circumstances:</p> <p>Malvern Vale Community Centre Playing Fields, Swinyard Road; Lower Howsell Road playing fields, Lower Howsell Road; Victoria Park, Pickersleigh Avenue; Dukes Meadow, Pickersleigh Road; Hayslan Fields, Hayslan Road; Priory Park, Priory Road; and Rosebank Gardens, Wells Road.”</p>	<p>Agreed, policy replaced with amended wording as recommended.</p>
<p><b>Policy MG2 Neighbourhood Open Space</b></p>	<p>In Policy MG2:</p> <ul style="list-style-type: none"> <li>• in part A delete “, where relevant,”</li> <li>• in part A1 delete “there is a surplus of open space provision in the area” and insert “that any net loss of open space is surplus to requirements; or”</li> <li>• in part A2 delete “relative to” and insert “for users of”</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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	<ul style="list-style-type: none"> <li>• in part A3 delete “an overall” and insert “a”, and delete “which will” and insert “that may”</li> <li>• renumber parts A1 and A2 as A1a) and A1b)</li> <li>• renumber parts A3i) and A3ii) as A2a) and A2b)</li> <li>• replace part A4 with “3. They do not diminish the connectivity of the local network of Green Infrastructure”</li> <li>• delete part B</li> </ul>	
<p><b>Policy MG3 Woodland, Trees and Hedgerows</b></p>	<p>In Policy MG3:</p> <ul style="list-style-type: none"> <li>• delete “trees of local significance” and insert “aged or veteran trees”</li> <li>• delete “significant lengths of”</li> <li>• delete “allowed” and insert “supported”</li> <li>• delete “which will result in a net gain to the overall quality of the environment”</li> <li>• replace all text after “replaced on” with “the site, or if this is not possible, elsewhere, as close as possible to the site, unless it can be demonstrated off-site provision is not deliverable”</li> </ul>	<p>Agreed, policy amended as recommended.</p>
<p><b>Policy MV1 Exceptional Key Views</b></p>	<p>Replace Policy MV1 with “To be supported development proposals must demonstrate they are sited, designed, and of a scale so as not to significantly harm the Exceptional Key Views described in the Visual Study Report, from the Key Viewpoints identified in Figure 5.3.”</p> <p>Replace the policy title with “Exceptional Key Views”.</p>	<p>Agreed, policy replaced with amended wording as recommended.</p> <p>Agreed, policy title changed to Exceptional Key Views.</p>

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	<p>Amend Figure 5.3 to identify Exceptional Key Viewpoints only, and identify the direction of Exceptional Key Views from Exceptional Key Viewpoints</p> <p>Amend Figure 5.3 so that no indicator lies outside the Neighbourhood Area</p>	<p>Agreed, Figure 5.3 amended to identify Exceptional Key Viewpoints only, to identify the direction of exceptional key views from the exceptional key viewpoints and exclude any indicators outside the Neighbourhood Area.</p>
<p><b>Policy MHE1 Non-Designated Heritage Assets</b></p>	<p>In Policy MHE1:</p> <ul style="list-style-type: none"> <li>• delete "Proposals requiring consent" and insert "To be supported proposals"</li> <li>• delete "including"</li> <li>• commence the second paragraph with "To be supported"</li> <li>• in both the second and third paragraphs delete "should" and insert "must"</li> <li>• in the third paragraph delete "an asset the extent" and insert "a non-designated heritage asset the scale"</li> </ul> <p>Transfer the list of properties in paragraph 5.4.3 of the Reasoned Justification to an Appendix to the Neighbourhood Plan where their status as properties identified to be nominated by the Town Council for inclusion by the District Council on the local list of heritage assets should be made clear.</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, list of properties in paragraph 5.4.3 of the Reasoned Justification transferred to an Appendix.</p>
<p><b>Policy MHE2 Neighbourhood Heritage Areas</b></p>	<p>In Policy MHE2:</p> <ul style="list-style-type: none"> <li>• after "5.4" insert "and on Figures 5.4.1 to 5.4.5 in Appendix 5.4"</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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	<ul style="list-style-type: none"> <li>commence the final paragraph with "To be supported"</li> </ul>	
<p><b>Policy MC1 Community Facilities</b></p>	<p>In Policy MC1:</p> <ul style="list-style-type: none"> <li>replace part A with "The provision of new community and leisure facilities, or the enhancement of existing facilities (identified on Figure 5.5 and listed in Appendix 5.5), will be supported where it is demonstrated that:               <ol style="list-style-type: none"> <li>the siting, scale and design respects the character of the surrounding area, including any historic and natural assets; and</li> <li>there will not be significant adverse impact on residential amenity, and there will be no additional on-street parking"</li> </ol> </li> <li>in part B after "lost is" delete "is made" and insert "will be available"</li> </ul>	<p>Agreed, part A of policy replaced with amended wording as recommended.</p> <p>Agreed, part B of policy amended as recommended.</p>
<p><b>Policy MC2 Healthy Communities</b></p>	<p>In Policy MC2:</p> <ul style="list-style-type: none"> <li>replace the first paragraph with "Proposals for more than 100 dwellings that would result in the capacity of General Practices and Dental Practices within the Neighbourhood Plan area being exceeded must, subject to viability considerations, contribute to the provision of additional capacity."</li> <li>replace the second paragraph before the list of principles with "Proposals for new large-scale development (in</li> </ul>	<p>Agreed, first paragraph replaced with amended wording as recommended.</p> <p>Agreed, second paragraph replaced with amended wording as</p>

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	<p>respect of residential and mixed-use sites of more than 25 dwellings; employment sites of more than 5 hectares; or retail developments of more than 500 square metres) will be supported where they deliver positive health and well-being benefits in respect of the following principles:"</p> <ul style="list-style-type: none"> <li>• number the principles consecutively.</li> </ul>	<p>recommended.</p> <p>Agreed, principles numbered consecutively.</p>
<p><b>Policy MD1 Building Design and Accessibility</b></p>	<p>In Policy MD1:</p> <ul style="list-style-type: none"> <li>• delete "Development proposals should" and insert "To be supported development proposals must"</li> <li>• in part A1 delete "Heritage Character Assessment" and insert "Local Character Areas (presented in Appendix 5.6)"</li> <li>• in part A2 delete "an appropriate scale and mass to" and insert "a scale and mass that reflects"</li> <li>• in part A2 delete "unacceptably" and insert "significantly"</li> <li>• in part A2 delete "efficient" and insert "effective"</li> <li>• in part A3 replace the text after "environment" with "for all highway users"</li> <li>• delete part A4</li> <li>• delete part B</li> </ul>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, part A4 of policy deleted as recommended.</p> <p>Agreed, part B of policy deleted as recommended.</p>

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<p><b>Policy MD2 Landscaping and Public Realm</b></p>	<p>Replace the policy with "To be supported development proposals must be fully integrated into, and contribute to, their landscape character and public realm setting, and must not result in any net biodiversity loss."</p>	<p>Agreed, policy replaced with amended wording as recommended.</p>
<p><b>Policy MD3 Promoting Sustainable Design</b></p>	<p>Delete Policy MD3.</p>	<p>Agreed, policy deleted as recommended.</p>
<p><b>Policy MD3 Microgeneration</b></p>	<p>In Policy MD4 points 1, 2, and 3 delete "an unacceptable" and insert "a significant".</p>	<p>Agreed, policy amended as recommended.</p>
<p><b>Policy MT1 Transport and Development</b></p>	<p>Delete Policy MT1.</p>	<p>Agreed, policy deleted as recommended.</p>
<p><b>Policy MT2 Town Centre and District Centres Car Parking</b></p>	<p>In Policy MT2:</p> <ul style="list-style-type: none"> <li>• in part A delete "listed" and after "basis" insert "(unless it can be demonstrated this is not necessary)"</li> <li>• in part B delete criterion 1</li> <li>• replace criterion 2 with "The development will not result in severe residual cumulative impacts on the transport network;"</li> <li>• in criterion 4 delete "appropriate to" and insert "in keeping with the distinctive local character of"</li> <li>• in criterion 5 delete "provides" and insert "provide" and after "efficient" insert "access and"</li> <li>• in criterion 6 delete the first "cycle" and insert "car"</li> <li>• in criterion 7 delete "20% of" and insert "They include";</li> </ul>	<p>Agreed, policy amended as recommended.</p>



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	<p>delete "should" and insert "that"; and delete "and"</p> <ul style="list-style-type: none"> <li>• in criterion 8 delete "unacceptable" and insert "significant", and replace the full stop with "; and"</li> <li>• replace the final paragraph with criterion 9 in part B "They demonstrate that the mix of sizes of parking spaces meets local needs."</li> </ul>	<p>Agreed, final paragraph of policy replaced with amended wording as recommended.</p>
<p><b>Policy MT3 Malvern Link Railway Station Opportunity Area</b></p>	<p>In Policy MT3:</p> <ul style="list-style-type: none"> <li>• replace criterion 1 with "They do not prejudice the operation of the Malvern Fire Station"</li> <li>• replace criterion 2 with "The development will not result in severe residual cumulative impacts on the transport network;"</li> <li>• in criterion 3 delete "appropriate to" and insert "in keeping with the distinctive local character of"</li> <li>• in criterion 4 after "efficient" insert "access and"</li> <li>• in criterion 5 delete the first "cycle" and insert "car"</li> <li>• in criterion 6 delete "20% of" and insert "They include"; delete "should" and insert "that"</li> <li>• in criterion 7 delete "an unacceptable" and insert "a significant"</li> </ul> <p>In Paragraph 5.7.14 delete reference to "as high a number of spaces as possible" and refer to quantified assessment of future demand for parking spaces and to viability considerations.</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, paragraph 5.7.14 amended as recommended.</p>

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<b>Policy MT4 Electric Vehicle Charging Points</b>	In Policy MT4: <ul style="list-style-type: none"> <li>• after “use,” delete “should” and insert “must, subject to technical feasibility and viability considerations,”</li> <li>• commence the final sentence with “To be supported”</li> <li>• delete “should be appropriate to the” and insert “must not detract from the visual appearance and”</li> </ul>	Agreed, policy amended as recommended.
<b>Policy MI1 Development and Infrastructure</b>	Delete Policy MI1.	Agreed, policy deleted as recommended.
<b>Policy MI2 High Quality Communications Infrastructure</b>	In Policy MI2: <ul style="list-style-type: none"> <li>• in paragraph 3 delete “Where planning permission is required”</li> <li>• in criterion 1 and 2 delete “unacceptable” and insert “significant”</li> <li>• in criterion 3, after “designed” insert “and”</li> <li>• in criterion 4 after “Where” insert “freestanding”</li> <li>• delete criterion 5</li> </ul>	Agreed, policy amended as recommended.
<b>Policy ME1 Protecting Employment Allocations at Malvern Technology Centre and North East Malvern</b>	In Policy ME1: <ul style="list-style-type: none"> <li>• delete the first paragraph</li> <li>• replace the second paragraph with “Proposals for uses</li> </ul>	Agreed, first paragraph deleted as recommended.  Agreed, second paragraph replaced. To provide clarity, ensure consistency with

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	<p>other than B1(b) employment uses at Malvern Technology Centre (QinetiQ) will not be supported unless it is demonstrated there is no reasonable prospect of the site being used for that purpose. Proposals for non B1, B2 and B8 employment uses on the employment land allocated at North East Malvern will only be supported if it can be demonstrated that there is no reasonable prospect of the site being used for B1, B2 or B8 employment uses, and proposals for other uses meet the following criteria:</p> <ol style="list-style-type: none"> <li>1.They generate local employment opportunities and do not undermine the primary purpose of the employment allocation to meet the needs of businesses within South Worcestershire, the District and the NPA;</li> <li>2. Retail and leisure uses must satisfy the sequential test for main town centre uses within NPPF and must not harm the vitality and viability of Town and District Centres and Neighbourhood Parades within the Neighbourhood Area.”</li> </ol> <p>Replace the Policy title with “Protecting Employment Allocations at Malvern Technology Centre and North East Malvern”</p>	<p>the intention of the policy to protect the 4.5 hectare employment allocation at QinetiQ and to ensure conformity with SWDP 53, minor amendment made to second part of Policy ME1 to read “Proposals for uses other than B1(b) (or associated employment uses) <i>on the employment land allocated</i> at Malvern Technology Centre (QinetiQ) will not be supported unless it is demonstrated there is no reasonable prospect of the site being used for that purpose.”</p> <p>Agreed, policy re-titled Protecting Employment Allocations at Malvern Technology Centre and North East Malvern as recommended.</p>
<p><b>ME2</b> <b>Provision of Micro and Small Scale Employment</b></p>	<p>In Policy ME2:</p> <ul style="list-style-type: none"> <li>• in criterion 1, before “business”, delete “a new” and insert “an expansion of an existing”</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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<p><b>Development</b></p>	<ul style="list-style-type: none"> <li>• replace criterion 2 with “They reflect the scale and design of surrounding buildings;”</li> <li>• in criterion 3 delete “They are acceptable in terms of” and insert “They do not have significant adverse”</li> <li>• in criterion 3 delete “biodiversity interest and key views” and insert “or on biodiversity”</li> <li>• replace criterion 4 with “They include safe access arrangements and will not result in additional on-street car parking or on-street deliveries;”</li> <li>• in criterion 5 delete “an unacceptable” and insert “a significant”</li> <li>• in criterion 6 delete “on sites” and insert “in the case of a relocation to a site” and replace “the existing” with “any existing”</li> </ul>	
<p><b>Policy ME3 Employment Development Within Existing Industrial Estates and Business Parks</b></p>	<p>In Policy ME3:</p> <ul style="list-style-type: none"> <li>• in criterion 1 delete “or defined as a County Matter”</li> <li>• in criterion 2 delete “and of a scale compatible with the Industrial Estate or Business Park and adjacent uses”</li> <li>• replace criterion 3 with “They include safe access arrangements and will not result in additional on-street car parking or additional on-street deliveries;”</li> <li>• in criterion 4 delete “an unacceptable” and insert “a significant”</li> <li>• in criterion 5 delete “provide opportunities to travel” and insert “demonstrate provision for travel”</li> <li>• replace criterion 6 with “For office development a</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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	<p>sequential test should be submitted. This should demonstrate that there are no preferable sites for the development within or on the edge of Town and District Centres within the Neighbourhood Area.”</p> <ul style="list-style-type: none"> <li>• continue the policy with “Or they are development forming part of a scheme for implementation of a strategic allocation of the South Worcestershire Development Plan.”</li> </ul> <p>Adjust Figure 5.8 and the Key Diagram so that they accurately show the boundaries of the industrial estates and business parks and the extent of Policy SWDP 56.</p>	<p>Agreed, Figure 5.8 and Key Diagram amended to accurately show boundaries of the industrial estates and business parks and the extent of Policy SWDP 56as recommended.</p>
<p><b>Policy ME4 Non-Employment Development within Existing Industrial Estates and Business Parks</b></p>	<p>In Policy ME4:</p> <ul style="list-style-type: none"> <li>• delete “allowed” and insert “supported”</li> <li>• in criterion 2 delete “, choice”</li> <li>• replace criterion 6 with “They have safe access and would not result in additional on-street parking or additional on-street servicing”</li> <li>• delete criterion 8</li> <li>• in criterion 9 delete “provide opportunities to travel” and insert “demonstrate provision for travel”</li> <li>• continue the policy with “Or they are development forming part of a scheme for implementation of a strategic allocation of the South Worcestershire Development Plan.”</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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<p><b>Policy MR1 Town and District Centres</b></p>	<p>In Policy MR1:</p> <ul style="list-style-type: none"> <li>• delete “and neighbourhood parades”</li> <li>• delete “comply with relevant policies of the statutory development plan and”</li> <li>• delete criterion 1</li> <li>• in criterion 3 delete “appropriate” and insert “safe”; and after “access,” insert “and where possible, achieve”</li> <li>• In criterion 5 delete “an unacceptable” and insert “a significant”</li> </ul>	<p>Agreed, policy amended as recommended.</p>
<p><b>Policy MR2 Neighbourhood Parades</b></p>	<p>In Policy MR2:</p> <ul style="list-style-type: none"> <li>• commence the policy with “To be supported”</li> <li>• in the first and final paragraphs delete “should” and insert “must”</li> <li>• in criterion 1a delete “that or any other suitable”</li> <li>• in criterion 1b delete “facility” and insert “retail unit”</li> <li>• in part 2b delete “or” and insert “and”</li> <li>• number the final paragraph as criterion 3</li> <li>• in the final paragraph delete “an unacceptable” and insert “a significant”</li> </ul>	<p>Agreed, policy amended as recommended.</p>
<p><b>Policy MH1 Housing Mix</b></p>	<p>In Policy MH1:</p> <ul style="list-style-type: none"> <li>• commence the policy with “To be supported”</li> <li>• in the first sentence delete “Should” and after “considerations,” insert “must demonstrate that they”</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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	<ul style="list-style-type: none"> <li>• delete the final sentence</li> </ul> <p>The policy should be referred to in the housing section of Chapter 6 (Plan Delivery and Implementation) where process to establish planning application validation requirements should be explained.</p>	<p>Agreed, housing section in Chapter 6 amended to say “To demonstrate that the requirements of Policy MH1 (Housing Mix) will be met, the District Council require all applications for new housing development over 5 units in the Neighbourhood Area to demonstrate that they provide a range of types, sizes and tenures of housing to meet local housing need. The District Council’s local validation requirements can be viewed at <a href="https://www.malvern hills.gov.uk/making-a-planning-application">https://www.malvern hills.gov.uk/making-a-planning-application</a>”</p>
<p><b>Policy MH2 New Residential Development within the Development Boundary</b></p>	<p>Replace Policy MH2 with “New infill housing development, and conversion, re-use or extension of an existing building for residential use, will be supported within the development boundary (defined on the Key Diagram) provided it does not harm land that is of high environmental value, and does not significantly harm the amenity of adjacent residents and occupiers.”</p>	<p>Agreed, policy replaced with amended wording as recommended.</p>
<p><b>Policy MH3 New Residential Development beyond the Development</b></p>	<p>In Policy MH3:</p> <ul style="list-style-type: none"> <li>• after “boundary” insert “identified on the Key Diagram”</li> <li>• in point 3 after “replacement dwelling” insert “is not</li> </ul>	<p>Agreed, policy amended as recommended.</p>

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<b>Boundary</b>	<p>disproportionately larger than the existing dwelling and", and delete the final word, and insert "or"</p> <ul style="list-style-type: none"> <li>• replace point 4 with "representing the optimum viable use of a heritage asset or it would enable the future of a heritage asset to be secured; and"</li> <li>• insert point 5 "of exceptional quality or innovative nature."</li> <li>• In paragraph 3 delete "includes sufficient outdoor amenity space and off-road" and insert "does not result in additional on-road"</li> </ul>	
<b>Minor Corrections to the Neighbourhood Plan</b>		
<b>Consequential modifications to the general text</b>	<p>A number of consequential modifications to the general text, and in particular the 'reasoned justification' of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. Reasoned justification text must not introduce any element of policy that is not contained within the Neighbourhood Plan Policies.</p>	<p>Agreed, consequential modifications made to the following paragraphs to achieve consistency with the modified policies:</p> <ul style="list-style-type: none"> <li>• 5.3.6 – 5.3.10</li> <li>• 5.4.3</li> <li>• 5.6.6 – 5.6.7</li> <li>• 5.7.14</li> <li>• 5.9.2</li> <li>• 5.9.16 – 5.9.17</li> <li>• 5.9.21 – 5.9.23</li> <li>• 5.9.25</li> <li>• 5.11.5</li> <li>• 5.11.12 – 5.11.13</li> </ul>



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<b>Re-Numbering of Policies</b>	A number of Policies, and parts of Policies, will require re-numbering as a result of recommended deletions of Polices or parts of Policies.	Agreed, policies re-numbered as required a result of recommended policy deletions.
<b>Key Diagram</b>	A representation stated there are reprographic errors in the key diagram and stated "Features marked A and C on the 'Sites of Regional or Local Wildlife Importance' overlay should align with points B and D on the underlying map. There are similar registration errors in the 'development boundary' overlay as is obvious in the north east part of the left-hand extract shown above." I recommend the points made are checked and any necessary corrections made.	Agreed, errors in the Key diagram and Figure 5.8 corrected as recommended.
<b>Glossary</b>	A representation asks for clarification of the meaning of the term "neighbourhood green space".	Agreed, definition of "neighbourhood green space" included in the Glossary.
<b>Footnote Updates</b>	The District Council provided an update to footnote 38 on page 76, and footnote 46 on page 92. , of the Neighbourhood Plan as follows "Application 15/01625/OUT was granted planning permission subject to the signing of a S106 legal agreement at the District Council's Southern Area Planning Committee on 16 <sup>th</sup> January 2019." The footnotes should be updated in this respect.	Agreed. Footnotes 38 and 46 on pages 76 and 92 to be updated to say "Planning application 15/01625/OUT was granted planning permission subject to the signing of a S106 legal agreement at the District Council's Southern Area Planning Committee on 16th January 2019."
<b>Correction of Errors</b>	The following should be corrected:  i) The reasoned justification in paragraph 5.9.2 should be completed ii) Para 2.8, bullet 10 – "Table X" should be replaced by "Table 5". iii) Para 2.10 – replace the second sentence by the following text	Agreed, the 14 errors listed have been corrected.

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	<p>– “Non-strategic policies in the Neighbourhood Plan would take precedence over existing non-strategic policies in the SWDP where they are in conflict unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”</p> <p>iv) Para 4.16 refers to the Key Diagram “which is on a separate document”. The key diagram is included in the supporting documents for the Regulation 16 consultation. To provide clarity for decision makers and planning applicants the Key Diagram should be included in the final version of Neighbourhood Plan or a weblink to where the diagram can be viewed should be provided.</p> <p>v) Paragraph 5.6.6(11), second sentence – “Itis” to be replaced with “It is”</p> <p>vi) In Policy MT2 B (6) the second reference to “cycle” should be deleted</p> <p>vii) Paragraph 5.9.2 insert missing text at the end of the paragraph</p> <p>viii) Paragraphs 5.9.21 – 5.9.23 require some editing. Reference is made in several places to “employment related uses” and “non-employment related uses”. For accuracy, the policy is seeking to protect land for “B1, B2 and B8 uses” and resist “non-B1, B2 and B8 uses”. The relevance of this is that non-B1, B2 or B8 uses are still employment uses. Reference is also made in the Reasoned Justification to ME3C and ME3A the references should relate to criteria in Policy ME4.</p> <p>ix) Paragraph 5.11.12 – The final sentence of the paragraph should be deleted as the Development Plan should be read as a whole.</p> <p>x) Paragraphs 5.11.13 and 5.11.14 – Reference to extensions to existing dwellings not exceeding 30% of the original “volume” (should this be footprint?) is repeated. One of the references</p>	

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	<p>should be deleted.</p> <p>xi) Paragraph 5.9.15, first sentence – reference to ME3A should be amended to ME3.</p> <p>xii) To provide clarity for decision makers the Reasoned Justification to Policy ME4 and/or Glossary should define “main town centre use”.</p> <p>xiii) Paragraph 6.3 states “there will be three principal sectors of activity which will direct the delivery of the MNP.” This is misleading because the principal way through which the Plan will be implemented is through the application of the land-use policies by the local planning authority to determine planning applications. Paragraph 6.3 should be deleted.</p> <p>xiv) Appendix 2.1: SWDP56 Development at North East Malvern – Worcestershire County Council advise this site will no longer deliver a primary school on site and instead will provide a S106 contribution towards off-site provision to integrate with the existing development at Malvern Vale.</p>	
<b>Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber policies and parts of policies arising from deletions</b>		
	<p>It may be helpful if the Plan was titled “Malvern Town Neighbourhood Plan” to be consistent with the neighbourhood area designation and to avoid possible confusion with neighbouring parishes which also include the Malvern name, including Malvern Wells who are also preparing a neighbourhood plan.</p>	<p>Agreed, Neighbourhood Plan to be titled Malvern Town Neighbourhood Plan as suggested.</p>
<p><b>Foreword</b></p>	<p>Para 1 – Sentence 2 implies that the South Worcestershire Development Plan is not appropriate for Malvern Town. It is suggested that the word “appropriate” is replaced by “locally distinctive”.</p>	<p>Agreed, the word “appropriate” in paragraph 1, sentence 2 replaced with “locally distinctive” as suggested.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<b>Introduction</b>	Para 1.6 – it is suggested that the word “checked” be replaced by “considered”.	Agreed, the word “checked” in paragraph 1.6 replaced with “considered” as suggested.
<b>Introduction</b>	Para 1.23, bullet points 4 and 5 – if successful at Examination, it is anticipated that a Referendum could be held in May 2019, with the making of the Plan in May / June 2019.	Agreed, paragraph 1.23, bullet points 4 and 5 amended to indicate anticipated Referendum in May 2019, with the making of the Plan anticipated in May / June 2019.
<b>Vision and Objectives</b>	Objective 1 refers to retaining the character of Malvern. It is considered that it may be appropriate to replace “retain” with “protect and enhance”.	Agreed, the word “retaining” in Objective 1 replaced with “protect and enhance” as suggested.
<b>Strategy</b>	Para 4.5, sentence 2 – “sustainably” should be replaced with “sustainability”.	Agreed, the word “sustainably” in paragraph 4.5, sentence 2 replaced with “sustainability” as suggested.
<b>Strategy</b>	Paragraph 4.5, sentence 3 refers to future housing provision meeting local needs. It is recognised that housing provision in Malvern is not just to meet the needs of the Malvern Neighbourhood Area. As a main town, Malvern is the focus for growth to meet a significant element of the housing and employment needs of the district.	Agreed, sentence 3 of paragraph 4.5 amended to read “A key requirement of future housing provision is that it meets local needs in terms of tenure, size and type of housing alongside an element of the wider district’s need.”
<b>Strategy</b>	Paragraph 4.12 explain high value relates to visual amenity, biodiversity, and ecosystem.	Agreed, “visual amenity, biodiversity and ecosystem” inserted between “high” and “value” in paragraph 4.12.

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<b>Strategy</b>	It is noted that the 12 Objectives on pages 24 and 25 duplicate the 12 objectives on pages 19 and 20.	Noted, that the list of 12 Objectives on pages 24 and 25 duplicate those on pages 19 and 20. The Objectives on pages 24 and 25 relate specifically to Policy MSD1. To make this clearer, Policy MSD1 and supporting text moved to follow list of Objectives in paragraph 5.1.
<b>Appendix 5.2</b>	In Appendix 5.2. It is suggested that the word "Local" is inserted in the headings in Figures 5.1.1 – 5.1.7 on pages 111 – 117.	Agreed, the word "Local" inserted in the headings in Figures 5.1.1 – 5.1.7 on pages 111 – 117 as suggested.
<b>Policy MC1 Reasoned Justification</b>	It would be appropriate to reference the District Sport and Leisure Strategy in the reasoned justification for Policy MC1.	Agreed, reference made to the District Sport and Leisure Strategy in the reasoned justification for Policy MC1, as suggested.
<b>Policy MHE2 Neighbourhood Heritage Areas</b>	For accuracy, it is suggested that the words "reflect and retain the architectural vernacular" in the first sentence be replaced with "contain some important architectural features".	Agreed, the words "reflect and retain the architectural vernacular" in Policy MHE2 replaced with "contain some important architectural features" as suggested.
<b>Policy MD1 Building Design and Accessibility</b>	Paragraph 5.6.6 (Reasoned Justification to Policy MD1). A representation suggested that the list of detailed designs set out (as 11 factors) is adequately dealt with within the SWDP policies and the Design Guide SPD. The representation suggested that the paragraph is more appropriately placed in a supplementary document in support of the MNP.	Agreed, paragraphs 5.6.6 and 5.6.7 deleted as a consequential modification to Policy MD1.

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<p><b>Policy ME3 Employment Development Within Existing Industrial Estates and Business Parks and Policy ME4 Non-Employment Development within Existing Industrial Estates and Business Parks</b></p>	<p>The “sequential test” referred to in criterion 6 of policy ME3 and criterion 7 of policy ME4 relates to paragraphs 24 – 27 of the Framework (paragraphs 86 – 90 of the revised Framework) which seeks to ensure the vitality of town centres. It is suggested that this could be made clear in the Reasoned Justification.</p>	<p>Agreed, for clarity the Reasoned Justifications for Policies ME3 and ME4 explain that the sequential test relates to paragraphs 86 – 90 of the revised Framework.</p>
<p><b>Policy MR2 Neighbourhood Parades</b></p>	<p>To be consistent references a and b in part 2 of Policy MR2 should be replace with (i) and (ii)</p>	<p>Noted, for consistency, references to i) and ii) in part 1 of Policy MR2 replaced with (a) and (b).</p>
<p><b>Plan Monitoring and Review</b></p>	<p>Whilst paragraph 7.6 is factually correct, it is not relevant to monitoring and review and will be historic following the examination of the Neighbourhood Plan. It is therefore suggested that paragraph 7.6 is deleted.</p>	<p>Agreed, paragraph 7.6 deleted.</p>
<p><b>Plan Monitoring and Review</b></p>	<p>Paragraph 7.7 says that the Town Council will undertake a review of the Neighbourhood Plan Policies against the revised Framework within 6 months of the Neighbourhood Plan being made. The District Council suggested that this may not be helpful. Policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence. In addition, where a policy has been in</p>	<p>Agreed, paragraph 7.7 replaced with the following text “When new issues are identified, or policies are found to be out of date, or in need of change, for example due to changing national or strategic planning policy, the Town Council, in consultation with Malvern</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. Communities in areas where policies in a neighbourhood plan that is in force have become out of date may decide to update their plan, or part of it.</p> <p>PPG distinguishes between “minor” (non-material) updates to a neighbourhood plan that would not materially affect the policies in the plan and “substantive” updates. If the Town Council wished to make substantive neighbourhood plan updates (modifications) that materially affect the policies in the plan, it would be necessary to follow the process set out in guidance – ie, Regulation 14 consultation, Regulation 16 consultation, Examination and, possibly a Referendum. Whether a Referendum would be required depends on whether the modifications are so significant or substantial as to change the nature of the plan. Whether modifications change the nature of the plan is a decision for an independent examiner.</p>	<p>Hills District Council, may decide to update the NDP, or part of it.”</p>
<b>Plan Monitoring and Review</b>	<p>Paragraph 7.8 indicates that the Town Council will produce a report on the general conformity of strategic policies in the emerging SWDP Revision with Neighbourhood Plan at various stages. To avoid any misunderstanding, it should be noted that neighbourhood plans must be in general conformity with strategic policies in the development plan, not vice versa.</p>	<p>Noted, paragraph 7.8 amended to read “MTC will assess whether the MTNP is in general conformity with the strategic policies of the emerging SWDP Review and will consult MHDC on its findings before making the review publically available.”</p>
<b>Glossary</b>	<p>It is suggested that the glossary is expanded to cover additional terms used in the Neighbourhood Plan, including major development, neighbourhood open spaces, micro businesses, micro generation, main town centre uses, active travel etc.</p>	<p>Agreed, glossary expanded to include the following additional terms - major development, neighbourhood open spaces, micro businesses, micro generation, main town centre uses, and</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
		active travel.

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	Town Council Proposed Minor Update	MHDC Response
<b>Plan Monitoring and Review</b>	The Town Council suggested minor updates to paragraphs 7.1 – 7.4 to clarify that monitoring of the Plan will be considered on an annual basis at the Town Council's Annual Council Meeting, that the Town Council's Operations and Planning Committee will regularly monitor planning decisions of the local planning authority (rather than monthly) and that the Neighbourhood Design Review Panel will advise on very large scale planning applications (rather than all applications).	Agreed, minor amendments to paragraphs 7.1 – 7.4 do not materially affect the policies in the plan and reflect the Town Council's intended monitoring arrangements.