

# Malvern Hills District Council



## Welland Neighbourhood Plan Decision Statement

### **Welland Neighbourhood Plan**

I confirm that the Welland 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 7 March 2024.

I also declare that I have no disclosable personal or disclosable prejudicial interest in respect of this decision.

Signed

*Jo Symons*

Jo Symons  
Head of Planning Policy, Malvern Hills District Council

11 January 2024

## **Summary**

Following an independent examination, Malvern Hills District Council now confirms that the Welland Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on 7 March 2024.

## **Background**

On the 10 May 2014, Malvern Hills District Council designated the area comprising the parish of Welland as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Welland Neighbourhood Plan (Regulation 14) consultation that took place between 24 September and 7 November 2021. The consultation responses informed the final version of the Welland Neighbourhood Plan, which was submitted to Malvern Hills Council on 11 May 2023, along with the associated Consultation Statement, Basic Conditions Statement and SEA and HRA Screening Opinion.

The Welland Neighbourhood Plan (Regulation 16) and associated documentation were then publicised, and representations invited; the publicity period commenced on xx ending on 25 June to 21 August 2023.

Malvern Hills District Council appointed an independent Examiner, Christopher Collison of Planning and Management Ltd to review whether the Welland Neighbourhood Plan should proceed to referendum. This commenced on 12 September 2023 and Mr Collison's final report, which recommended the Welland Neighbourhood Plan should proceed to referendum, with modifications was received on 14 December 2023 published on the 15 December 2023.

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 Welland Neighbourhood Plan as detailed in Table 1 below to ensure the Plan meets the Basic Conditions as set out in the legislation.

## **Decisions and Reasons**

Malvern Hills District Council has made the following modifications, as proposed by the Examiner, and agreed by Welland Parish Council, to ensure that the Welland Neighbourhood Plan meets the Basic Conditions.

**Table 1 – Schedule of Examiner’s Recommended Modifications and Malvern Hills District Council’s Response**

<b>Part of Document</b>	<b>Examiner’s Recommended Modification(s)</b>	<b>MHDC Response</b>
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Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<p><b>Policy SD2: Renewable and Low Carbon Microgeneration Development</b></p>	<p>Recommended modification 1:</p> <p>In Policy SD2</p> <ul style="list-style-type: none"> <li>• replace “individually or cumulatively cause unacceptable” with “cause significant”</li> <li>• in part 1 replace “and visual amenity” with “, visual amenity or other special qualities (either alone or cumulatively with existing development)”</li> <li>• replace the final sentence with “Development proposals that incorporate capacity to generate their energy requirements from on-site low-carbon and renewable energy sources will be supported.”</li> </ul>	<p>Agreed, this section to be updated accordingly.</p>
<p><b>Policy SD3: Energy Efficiency Improvements to Existing Buildings</b></p>	<p>Recommended modification 2:</p> <p>In Policy SD3</p> <ul style="list-style-type: none"> <li>• replace “encouraged and considered favourably” with “supported”</li> <li>• continue the policy with “Where relevant to the specific development and location of the site, proposals should demonstrate they have been informed by the AONB Partnership Guidance on building design.”</li> </ul> <p>Insert in the reasoned justification “In assessing proposals due regard shall be had to the proposals being informed by guidance within the Welland Design Guide and Code, and, where relevant to the specific development and location of the site, AONB Partnership Guidance on Building Design.”</p>	<p>Agreed, this section to be updated accordingly.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<p><b>Policy DB1: Development within the Welland Development Boundary</b></p>	<p>Recommended modification 3</p> <p>In Policy DB1</p> <p>in the opening text delete “including new development and conversion, re-use or extension of an existing building along with any associate infrastructure.”</p> <ul style="list-style-type: none"> <li>• in parts 4 and 5 replace “unacceptable” with “significant”</li> <li>• in part 5 replace “and heritage” with “or heritage”</li> <li>• delete part 6 and the free-standing sentence that follows it</li> <li>• in the final paragraph after “H4” insert “and any strategic allocation”</li> </ul> <p>Insert in the reasoned justification “This policy applies to all development proposals requiring planning permission including, but not limited to, householder, residential, tourism and holiday accommodation, energy generation, and employment and agricultural developments.”</p>	<p>Agreed, this section to be updated accordingly.</p>
<p><b>Policy G2: Neighbourhood Open Space</b></p>	<p>Recommended modification 4:</p> <p>In Policy G2 in WNOS04 replace “Gifford” with “Giffard” (make consequential changes to the key on the map at Appendix 5.1 and to Figure 5.3.4 at Appendix 5.4)</p>	<p>Agreed, this section to be updated accordingly.</p>
<p><b>Policy B1: Biodiversity Net Gain</b></p>	<p>Recommended modification 5:</p> <p>In Policy B1 delete “at least 10%” and insert “a”</p>	<p>Agreed, this section to be updated accordingly.</p>
<p><b>Policy LC1: Landscape Character and Visual Impact</b></p>	<p>Recommended modification 6:</p> <p>In Policy LC1</p> <ul style="list-style-type: none"> <li>• replace the text between parts 3 and i with “This should be demonstrated through the submission of evidence, proportionate to the type and scale of development proposed and the site’s location, to demonstrate they conserve and</li> </ul>	<p>Agreed, this section to be updated accordingly.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>enhance the special qualities of the Neighbourhood Area taking account of:"</p> <ul style="list-style-type: none"> <li>• after point ii. insert "iii. Demonstration of regard for the Malvern Hills AONB Management Plan and the Welland Parish Council's Landscape Assessment Reports (retain footnote 26)"</li> <li>• replace the final paragraph with 'Development proposals which would create unacceptable adverse effects that cannot be mitigated to an acceptable degree when compared to the baseline condition will not be supported"</li> </ul>	
<p><b>Policy C1: Protection of existing Built Community Facilities and the Local Shop</b></p>	<p>Recommended modification 7: In Policy C1 replace "permitted" with "supported"</p>	<p>Agreed, this section to be updated accordingly.</p>
<p><b>Policy C2: Provision of new and improved Built Community Facilities</b></p>	<p>Recommended modification 8: In Policy C2</p> <ul style="list-style-type: none"> <li>• in part 1 delete "and satisfy the requirements of policy LC1"</li> <li>• in part 3 replace "unacceptable" with "significant"</li> <li>• in part 4 replace "unacceptably" with "significantly"</li> <li>• delete the final sentence</li> </ul>	<p>Agreed, this section to be updated accordingly.</p>
<p><b>Policy HE1: Non-Designated Heritage Assets</b></p>	<p>Recommended modification 9: In Policy HE1</p> <ul style="list-style-type: none"> <li>• replace the first paragraph with "To be supported development proposals which directly or indirectly affect a non-designated heritage asset must describe the impact of the proposal on its significance and demonstrate regard for the scale of any harm or loss and the significance of the asset."</li> <li>• delete the third paragraph</li> </ul>	<p>Agreed, this section to be updated accordingly.</p>
<p><b>Policy I4: Active</b></p>	<p>Recommended modification 10: Continue Policy I4 with "and the setting of the Malvern Hills AONB"</p>	<p>Agreed, this section to be updated</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<b>Travel Corridors</b>		accordingly.
<b>Policy D1: Design</b>	Recommended modification 11: In Policy D1 <ul style="list-style-type: none"> <li>• delete “and relevant AONB Guidance”</li> <li>• delete the final paragraph</li> </ul>	Agreed, this section to be updated accordingly.
<b>Policy D2: Access, travel and connectivity associated with development proposals</b>	Recommended modification 12: In Policy D2 <ul style="list-style-type: none"> <li>• in part 1 replace “adequate” with “safe”</li> <li>• replace part 2 with “it does not result in residual adverse cumulative impacts on the road network that are severe, and the impact on highway safety is acceptable;”</li> <li>• replace part 4 with “it pursues opportunities to promote access by walking, cycling or by using public transport;”</li> </ul>	Agreed, this section to be updated accordingly.
<b>Policy HLP: Welland Housing Land Provision</b>	Recommended modification 13: In Policy HLP <ul style="list-style-type: none"> <li>• replace “for Welland” with “for the Neighbourhood Area”</li> <li>• delete “in principle” Policy H1: Market Housing Type and S</li> </ul>	Agreed, this section to be updated accordingly.
<b>Policy H1: Market Housing Type and Size</b>	Recommended modification 14: In Policy H1 include “short row” or “short row (3 max)” as appropriate before references to terraced housing Make consequential adjustments to paragraphs 5.10.9 and 5.10.19 of the Neighbourhood Plan, and within the Design Guide at 0.2.4, 0.3.3, Fig 44 and p38 (The Avenue).	Agreed, this section to be updated accordingly.
<b>Policy H2: Affordable Housing Provision</b>	Recommended modification 15: In Policy H2 <ul style="list-style-type: none"> <li>• in Part D after “70%” delete “should be”</li> <li>• commence Part F with “For all new residential development,” and in the same sentence after “housing” insert “from Parts A-E of this policy above,”</li> </ul>	Agreed, this section to be updated accordingly.

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	In paragraph 5.10.24 of the reasoned justification replace "new rural exceptions site and other proposals" with "a new rural exception site"	
<b>Policy H3: Homes Standards</b>	Recommended modification 16: Replace Policy H3 with "Development proposals for new dwellings that achieve Part M4(2) Accessible and adaptable dwellings, and Part M4(3) Wheelchair user dwellings of the Building Regulations will be supported."	Agreed, this section to be updated accordingly.
<b>Policy H4: Land north of Cornfield Close</b>	Recommended modification 17: In Policy H4 <ul style="list-style-type: none"> <li>• in the opening text delete "with the tenure, type and size complying with policy H2 'Affordable Housing Provision' and of a standard complying with policy H3 'Accessible and adaptable dwellings'"</li> <li>• in part 2 delete "including" • in part 3 delete "Accord with policy D1 and"</li> <li>• continue part 4 with "An Environmental Colour Assessment should be submitted to demonstrate the appropriateness of the proposed materials and their finishes"</li> <li>• in part 5 replace "Accord with policy B1 in providing at least a 10%" with "Provide a"; and replace "relevant" with "the"; and delete "Guidance, including its"</li> <li>• in part 7 delete "and that it provides safe pedestrian cycle and vehicular access from the site to key local facilities and services"</li> </ul>	Agreed, this section to be updated accordingly.
<b>Policy LE1: New small-scale business development within the Welland Development Boundary</b>	Recommended modification 18: In Policy LE1 <ul style="list-style-type: none"> <li>• in part 1 replace "outbuilding" with "building" and replace "sizeable extensions" with "extensions that are inappropriate for their location"</li> <li>• in part 2 replace "an unacceptable" with "significant"</li> <li>• in part 3 replace "satisfactory" with "safe" and insert "sufficient" before "off-street"</li> <li>• delete part 4</li> </ul>	Agreed, this section to be updated accordingly.
<b>Annex: Minor Corrections to the Neighbourhood</b>	Recommended modification 19: Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies, and to	Agreed, this section to be updated accordingly.



<b>Part of Document</b>	<b>Examiner's Recommended Modification(s)</b>	<b>MHDC Response</b>
<b>Plan</b>	achieve updates and correct identified errors.	