

# Malvern Town Council

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18 January 2019

Our ref: MTC2018/19-/008

Mr Chris Collison  
Independent Examiner

By email

Dear Mr Collison

## **Independent Examination of the Malvern Town Neighbourhood Development Plan**

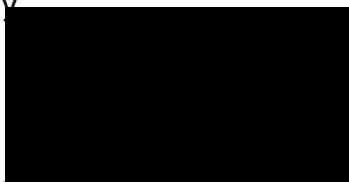
Further to your e-mail of 15 November 2018 outlining how you will conduct the examination, Malvern Town Council has taken the opportunity to make comments on some of the representations that were made on the draft plan.

In order to assist the Examiner, the attached document provides a schedule by policy number and the representor with which the Town Council wishes to make a comment. In order to keep the schedule as brief as possible the Town Council has not repeated the representor's comments but has referenced the specific comment, where applicable, in its response. In some cases, where it is considered from an assessment of the representation that an amendment to the wording of a policy may make that policy clearer, the Town Council has outlined a possible modification to that policy.

For clarification there are a number of comments of support and other comments that the Town Council does not wish to provide a detailed comment on. The Town Council wishes to acknowledge the significant number of comments in support of many aspects of the Neighbourhood Plan.

We trust the attached is of assistance. Should you require any further information please do not hesitate to contact me.

Yours sincerely



Charles Porter  
Deputy Town Clerk

cc David Clarke, Malvern Hills District Council

**MALVERN TOWN NEIGHBOURHOOD PLAN – MALVERN TOWN COUNCIL’S COMMENTS ON REGULATION 16 RESPONSES**

<b>MSD1: Promoting and achieving sustainable development</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	Proposals should demonstrate they meet the requirements of relevant policies within the MNP. In so doing they would help to meet the requirements of the plan’s objectives which seek to promote and achieve sustainable development.
<b>51- Gleeson Land and Wellbeck Land</b>	It is considered that the current wording of the policy is in general conformity with the NPPF.
<b>62-Gladman Developments Limited</b>	It is considered that the current wording of the policy is in general conformity with the NPPF.

<b>MG1: Local Green Space</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>The titles on the Figures can be amended as suggested.</p> <p>Criterion 2 relates to extension or alteration of an existing building and therefore relates to size. The wording is taken from 2012 NPPF para 89 3<sup>rd</sup> bullet point (para 145(c) of NPPF 2018). It is considered too prescriptive to include a size threshold as each proposal should be taken on its merits. It will be up to the decision-taker to assess this.</p> <p>The wording in Criterion 3 is taken from 2012 NPPF para 89 4th bullet point (para 145(d) of NPPF 2018). It is considered too prescriptive to include a size threshold as each proposal should be taken on its merits. It will be up to the decision-taker to assess this.</p>
<b>46-Sport England</b>	The policy is considered to protect the recreational value of those sites that include playing fields as it refers to development not being permitted unless it relates to the function of the site. Criterion 1 refers to development that relates to providing sport and recreation provision being acceptable.
<b>48-Barwood Strategic Land II LLP</b>	Malvern Town Council believes that the evidence to support the designation of Hayslan Fields is included with the ‘Proposed Local Green Space Sites’ Report (10/09/18) submitted with the neighbourhood plan. This report, in respect of Hayslan Fields refers to, at Appendix D, the Inspector’s appeal decision ref. APP/J1860/W/15/3016539 (dated 26 July 2016) in relation to an outline planning application for residential development of

up to 150 dwellings on Hayslan Fields. It is argued that the Inspector in deciding this appeal examined and assessed the value and contribution of Hayslan Fields to the local community and local area. In this regard the Inspector would have had substantial information before them in the form of written submissions and oral evidence at the Public Inquiry to arrive at their decision on these matters.

To assist the Examiner we provide below, where relevant, references from the Inspector's decision where they relate to the requirements of paragraph 77 NPPF 2012 (paragraph 100 of NPPF 2018) for Local Green Space designation.

*a) in reasonably close proximity to the community it serves;*

This is not explicitly referred to in the Inspector's report. However, the representation states that 'The Site is in close proximity to residential areas to the east'. MTC contend that the site is in close proximity to residential areas in all directions (north, east, south and west).

*b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

In terms of the above it is important to note that there are two subdivisions within the clause that need to be met; whether the site is demonstrably special and whether it holds a particular local significance. In relation to the latter it is important to note the word 'or' within the list of attributes signalling that not all the attributes need to be met.

#### **Demonstrably Special**

In terms of the whether the site is demonstrably special the Inspector states at paragraph 26, 'The need for and value of the appeal site to the existing local community has been made abundantly clear in many written submissions and by residents at the hearing. Amongst its most valued attributes are the opportunities to walk, run or cycle, with children and/or dogs, along the unmade footpaths through a semi-rural environment which is very unusual wholly within the urban area. In addition, and irrespective of ploughing carried out earlier in 2015, the undeveloped and largely open character of the land surrounding the footpaths acts as a visual link in long range views, above existing housing, towards the Malvern Hills to the west and Bredon Hill further away to the south east, thereby creating a much valued sense of openness and space'.

Paragraph 27 states 'For all these reasons and notwithstanding the earlier assessments of quality and/or value (in the MUGS and OSSRA) I find that the area of Hayslan Fields proposed for development is significant in helping to meet the existing community's needs for access to and across open space for recreational purposes and for health and well-being.'

It is clear that the Inspector considered that Hayslan Fields was of significant value to the local community.

#### **Local Significance: Beauty (Visual Amenity)**

The Inspector in the appeal decision ref. APP/J1860/W/15/3016539 refers to the visual amenity of the site at a number of paragraphs:

Paragraph 21 states ‘I note firstly the SWDP Inspector’s response to objections to the inclusion of private land in areas designated as Green Space: “As the reasoned justification to the policy makes clear, Green Space has value for visual amenity as well as recreation, and so the Councils are justified in continuing to designate privately-owned open space, such as Hayslan Fields in Malvern, as Green Space”.

Paragraph 22 states ‘Secondly, the important recreational opportunities afforded by the footpath network across the appeal site stem in large part from being surrounded by the privately owned and undeveloped land which undoubtedly acts as a visual amenity, thereby enhancing the recreational experience of using the footpaths’. The private owned and undeveloped land refers to Hayslan Fields.

Paragraphs 34-39 of the appeal decision considered the site’s character, landscape and visual amenity:

Paragraph 35 states ‘The site as a whole is also important in terms of visual amenity in association with use of the public footpath network for sport, recreation, health and wellbeing, including for the longer range views out of the site already mentioned’.

Paragraph 38 states, ‘It is significant however that the appellant’s consultant acknowledged that although land identified as urban greenspace in the LP (including the appeal site) was not designated expressly for its visual and sensory characteristics, it was “identified through systematic landscape appraisal leading to a designatory status reflective of its contribution to the town” (and in the MUGS the Hayslan Fields green space was found to make a major contribution to Malvern). The consultant found it reasonable to conclude that all such land could constitute ‘valued landscape’ of the kind mentioned in paragraph 109 of the Framework, which should be protected and enhanced. I therefore find it reasonable to treat the appeal site as such, even though its value stems more from its overall open, undeveloped and semi-rural character within the urban fabric than from any especially notable landscape features.’

It is clear that the Inspector concluded that the site has high visual amenity value and is a valued landscape that should be protected and enhanced.

**Local Significance: Recreational Value**

The recreational value of the site was considered by the Inspector on the appeal and is stated above. In conclusion the Inspector considered the site is ‘significant in helping to meet the existing community’s needs for access to and across open space for recreational purposes and for health and well-being’ (paragraph 27).

**Local Significance: Tranquillity**

This paragraph of the appeal decision referred to in the representation relates to the proposed public open space to be provided in association with the proposed development. This was located on the western side of the site adjacent to the railway line. In the context of the provision of the proposed public open space the Inspector states ‘Moreover passing trains are markedly more intrusive here, in both visual and noise terms, than

elsewhere on the appeal site’.

*c) local in character and is not an extensive tract of land.*

PPG Paragraph: 015 Reference ID: 37-015-20140306 states ‘There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate.’

Hayslan Fields, at 8.5ha, is considered a very extensive area of open space within the context of its location within the centre of Malvern. However, it cannot be considered an extensive tract of land in the context of PPG which refers to areas of open countryside adjacent to settlements.

The Inspector’s appeal decision ref. APP/J1860/W/15/3016539 refers to the character of the site. Paragraph 23 states Hayslan Fields Green Space ‘has long been protected through local planning policy as part of a network of open spaces that contribute to the distinctive form and character of the town as a whole’. Paragraph 38 states ‘...its value stems more from its overall open, undeveloped and semi-rural character within the urban fabric...’.

These statements demonstrate that the Inspector considered the site to be characteristic of the local area.

Malvern Town Council would wish to highlight an additional comment within the appeal decision relevant to the representation regarding the lack of notification. The Town Council has provided details on this in an answer to a clarification to the Examiner dated 17 January 2019. It is also important to note that the issue of the possible inclusion of Hayslan Fields as a Local Green Space was raised at the appeal which is referenced at paragraph 43 which states ‘Although the Town Council is developing a Neighbourhood Plan, this is still at an early stage and the intended inclusion of Hayslan Fields in land proposed for designation as ‘Local Green Space’ (as per paragraph 77 of the Framework) carries little weight at present’.

Malvern Town Council contend that there is appropriate evidence to demonstrate that Hayslan Fields meets the requirements of paragraph 77 of NPPF 2012 (para 100 of NPPF 2018).

<b>MG2: Neighbourhood Open Space</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>MTC will work with MHDC on any cartographical issues.</p> <p>The NPPF definition of Open Space states all open space of public value which offer opportunities for sport and recreation. It does not restrict sites by ownership.</p> <p>Criterion 3 seeks to provide a visual improvement of a nearby NOS and it makes reference to the requirement for a legal agreement to achieve it.</p> <p>Criterion 3ii seeks an overall benefit to the character of the local area. The front end of the criterion refers to visual amenity and nature conservation and it is in this context that benefit should be addressed.</p> <p>Criterion 4 states 'where relevant' i.e. where there is a link. This is important in terms of protecting existing green networks and the overall network of Green Infrastructure in the NPA.</p> <p>In terms of the relationship between MG2 and SWDP38 paragraph 4 of the reasoned justification to policy SWDP38 states 'SWDP 38 aims to protect open spaces identified on the Policies Map, together with numerous incidental open spaces too small to include but that nonetheless contribute to the quality and character of their local areas'. Paragraph 5.2.5 is picking up on the 'incidental open spaces too small to include' on the SWDP Policies Map which have been picked up within the MNP and shown on Figure 5.3.</p> <p>SWDP38 is a non-strategic policy. Policy MG2 is locally distinct and derived to Malvern and the wishes of its community. The fact that is more onerous is not considered to be a basic condition issue.</p> <p>Part B is included for completeness as without it the policy would only refer to the protection of existing Neighbourhood Open Spaces and not include reference to the need for the provision of new NOS associated with new development. There is no inconsistency with SWDP39 and it is considered that the policy does not meet the basic conditions by including reference to it.</p> <p>The South Worcestershire Playing Pitch Strategy 2015 – 2030 could be referenced in the Reasoned Justification (see response to Sport England (46)).</p>
<b>46-Sport England</b>	<p>The policy could be amended to include an additional criterion to reflect paragraph 97 (c) of NPPF (para 74 third bullet point of NPPF 2012). This could be added to create criterion 3 with the existing criteria 3 and 4 changing to 4 and 5.</p>

	The Evidence Base Report (March 2017) refers to the Playing Pitch Strategy Assessment Report (July 2015) and the Open Space, Sport and Recreation Study (August 2007). If considered beneficial the reasoned justification could make reference to these studies and the Malvern Hills District Sport and Leisure Strategy as the evidence base for open space policies within the MNP.
<b>62-Gladman Developments Limited</b>	The wording of the policy states that the criteria, where relevant, are met. The wording 'where relevant' provides the decision-taker with the ability to assess and judge whether the proposal has met the relevant criteria.

<b>MG3: Woodland, Trees and Hedgerows</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>Paragraph 5.2.10 of the reasoned justification could provide some examples of 'net gain' including an increase in tree canopy cover, improvement in street scene and character and enhancement in biodiversity and ecology.</p> <p>The rationale for the third paragraph is to ensure that the NPA retains its overall stock of trees and hedgerows. If the development site cannot accommodate all of the replacement planting on site then the proportion that can't should be accommodated elsewhere. This principle is used for off-site public open space provision and off-site affordable housing provision. The third paragraph of the policy could be slightly amended to make it clearer that it relates to situations where not all the new planting can be accommodated on the development site as it will be necessary for new development to incorporate landscaping including trees. (Change in bold)</p> <p><i>Where it is not possible or appropriate to secure <b>all</b> new or replacement tree planting on site, trees should be planted at a suitable location outside the site such as on LGS and NOS or other publicly owned land. Planning conditions or legal agreements will be used to secure this.</i></p>
<b>51- Gleeson Land and Wellbeck Land</b>	The policy needs to be read as a whole with the first paragraph referring to trees of local value and mature and biodiversity rich hedgerows. It is therefore considered that the policy applies to these trees and hedgerows, so does have regard to value, quality and significance. These factors would be picked up through the aboricultural study referenced at the beginning of paragraph 2. It is therefore considered that the policy is in general conformity with strategic policy SWDP22 and meets the Basic Conditions 2(e).
<b>52-Julie Wood</b>	The contribution to street scene is implied with respect to townscape character. However, to make this more explicit the wording could be changed to ' <i>.... landscape and townscape character such as their contribution to the street scene; ....</i> '.
<b>55-Malvern Community Forest</b>	<p>The suggested changes could be incorporated in the policy wording and reasoned justification if considered beneficial and that the policy needs to incorporate them to meet the basic conditions.</p> <p>It is not clear where the funding will come from to have a Trees, Hedgerow and Woodland Supplementary Planning Document produced. MTC cannot commit to this within the policy. However, this could be included within the 'Community Aspirations' section in Chapter 6.</p>

	There are concerns over the weight that could be attached to a SPD which is produced outwith the neighbourhood plan making process and has not been subject to the examination.
<b>59- Worcestershire County Council</b>	<p>Aged or veteran trees can be added to the policy so the policy reads ‘...trees of local significance, including aged or veteran trees, or ....’.</p> <p>Paragraph 5.2.10 of the reasoned justification could provide some examples of net gain including an increase in tree canopy cover, improvement in street scene and character and enhancement in biodiversity and ecology.</p>

<b>MV1: Visual Amenity</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>The designation of 70 Key Views is not considered to be an ‘excessive constraint on development’, especially, and as the Visual Study clearly explains, great visual diversity is one of Malvern’s most significant attributes. This is mainly due to the area’s unique and distinctive topography (see Visual Study paras. 4.21 - 4.30).</p> <p>With regard to point iii of the response, Visual Study report para. 2.57 states: ‘It is important to note that the term ‘Key View’ covers Key Viewpoints (KVPs), Key Focal Points (KFPs), Key View Routes (KVRs), Key View Zones (KVZs) and Key Gateways.’</p> <p>The direction and extent of the views are described in the Key View tables as far as possible, but clearly, the extent of the view is dependent on the High value factors / features that are visible within that view. And, it is the location of any proposed change that will determine which of the value factors / features are present in a development’s likely area of visual influence.</p> <p>As the Visual Study makes clear, the objective is to ensure that where proposed change may affect an area’s visual amenity - especially where the quality / value of the views is ‘Exceptional’ - that the various factors which contribute that the area’s high value (and which are therefore likely to be visible from certain locations - much depends on where the proposed change is located) are considered. Sometimes loss of a valuable feature is inevitable, in which case mitigation / compensation may be appropriate. But in all cases, the Visual Study provides a comprehensive evidence-base that should be used to ensure that new development respects and reflects an area’s local distinctiveness and sense of place, and takes into account what is valuable. If it does, then it will have complied with the policy.</p>
<b>51- Gleeson Land and Wellbeck Land</b>	The professional technical assessments which have already been carried out as part of meeting the requirements of SWDP Policy 56Civ will almost certainly have identified the same landscape and visual features and factors of value and relevance to the site as the Visual Study did. It is therefore assumed that the illustrative masterplan reflects the recommendations of the technical assessments.



	<p>Of course, at the detailed design stage, the designers may wish to refer to the Visual Study's findings, as it explains the features and factors which are locally-important and characteristic / distinctive. The information could help in the delivery of a very good quality and successful development.</p>
<b>48-Barwood Strategic Land II LLP</b>	<p>The visual amenity and landscape value of Hayslan Fields is referred to in the appeal decision ref. APP/J1860/W/15/3016539 particularly at paragraphs 22, 34-39. These are outlined in MTC's comments to policy MG1 above.</p> <p>The representation appendix A report refers at paragraph 1.4 to the Visual Study Report: Draft for Consultation September 2018. This was updated following the consultation on the Visual Study and the version submitted with the Submission neighbourhood plan is dated October 2018. This latter report responded to comments made during the consultation including by Barwood Strategic II Land. Paragraph 2.5 of the representation report refers to a previous version of policy MV1 which was amended following the Visual Study consultation and is not the policy wording of MV1 in the Submission neighbourhood plan.</p>
<b>52-Julie Wood</b>	<p>North Malvern was as integral part of the study as all the other parts of the NPA. In fact, there are several Key VPs and routes in and around North and West Malvern, including in the areas mentioned by the respondent. See for example KVRs 1, 2, 20 and 21, and KVPs 14, 72 and 73. Both KVR2 and KVP14 are categorised as 'Exceptional'.</p>
<b>61-Hallam Land Management</b>	<p>The broad support for this policy objective is welcomed.</p> <p>The draft policy is not intended to 'inhibit the growth potential of the town'; rather, its aim is to ensure that growth does not harm the qualities that deliver important benefits to the area / community e.g. economic benefits from tourism due to area's high-quality landscapes and townscapes.</p> <p>Agree that professional technical assessments of visual change are appropriate mechanisms for ensuring change are appropriate and respect local distinctiveness. The Visual Study will be a useful source of reference for such assessments as it explains which features / factors / attributes are locally of High value.</p>
<b>65-James Milne</b>	<p>The Town Council has provided details on this in an answer to a clarification to the Examiner dated 17 January 2019. The policy only relates to the NPA. It should be noted however that administrative boundaries do not preclude views in and out of the NPA; thus, the Visual Study considered how change within the NPA could affect certain views into the NPA, for example built form breaching the skyline in an exceptional view of the Malvern Hills' profile (see Visual Study para. 5.8).</p> <p>The Key Views tables explain the High visual value factors / attributes which apply to VPs and routes, and in some cases it is the rural, traditional</p>

	character of the road itself that is the focus of the view as opposed to there being views beyond (see for example KVR 6).
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<b>MHE1: Non-Designated Heritage Assets</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>The list of proposed non-designated assets can be moved from the reasoned justification to an appendix.</p> <p>It may be considered at the planning application stage that a building or structure could be considered a non-designated heritage asset and as such this policy would then apply.</p> <p>Agree to all the suggested changes (see below).</p> <p>However, MHDC must put resources towards assessing those buildings and structures that communities nominate for local listing. MTC submitted nomination forms for the proposed non-designated heritage assets, as required by the Local List SPD, to MHDC in August 2016. We have made enquiries as to the progress of these nominations and to date MHDC has not assessed them.</p>
<b>51- Gleeson Land and Wellbeck Land</b>	Agree to the suggested change (see below).

As a result of the representations it is considered that the policy could be amended as follows (**bold** text is new wording and ~~strike through~~ text is wording to be deleted):

Proposals requiring **planning permission** ~~consent~~ which affect a ~~non-designated heritage asset (including~~ a building or structure on the Local **Heritage** List [following adoption by Malvern Hills District Council]} must demonstrate how they protect or enhance the heritage asset.

**Proposals requiring planning permission for t**he renovation or alteration of a non-designated heritage asset (building or structure) should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.

Where a proposal would result in harm to the significance of ~~an~~ a **non-designated heritage asset** the **scale** ~~extent~~ of the harm and the significance of the asset should be balanced against the **public** benefits of the proposal.

<b>MHE2: Neighbourhood Heritage Areas</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	Agree to the suggested change.

<b>MC1: Community Infrastructure</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>Agree to the suggested change. Although MTC would wish to include a criterion relating to the town centre uses sequential test as the policy refers to leisure facilities.</p> <p>The loss of a facility may still be important to sections of the local community and seen as a significant loss to them.</p>
<b>46-Sport England</b>	The Malvern Hills District Sport and Leisure Strategy could be referenced in the reasoned justification.

<b>MC2: Healthy Communities</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>Paragraphs 5.5.6-5.5.9 provides evidence from the NHS SWCCG on the list sizes and issues of capacity at General Medical Practices in the NPA. The evidence from the SWCCG and their response to the Reg 16 consultation demonstrates support for the policy.</p> <p>It is acknowledged that SWDP7 is a strategic policy. Policy MC2 could make a reference to this policy and the requirement that development provides or contributes towards the provision of infrastructure needed to support it. However, the SPD is not a strategic policy.</p> <p>Health care facilities are necessary infrastructure to sustain communities and it is considered appropriate that new development contributes towards provision of these facilities where there is evidence of need. The policy requires the developers to demonstrate there is sufficient capacity by contacting the relevant health authorities.</p> <p>The policy refers to the Planning for Health SPD for further clarity which is the document that MHDC uses for determining relevant applications. The SPD is referred to explicitly in the policy and is included at footnote 23 in the reasoned justification. The policy makes reference to the requirements of the SPD. The MNP enshrines the principles of the SPD in policy giving it greater weight in decision-taking.</p> <p>The issue of the threshold for the policy was included within a clarification to the Examiner dated 17 January 2019.</p>
<b>01-Worcs. Acute Hospitals NHS Trust</b>	<p>The comments are noted and the policy could be amended to include reference to NHS secondary health care (see below).</p> <p>Paragraph 5.5.10 could be amended to include reference to the Worcestershire Acute Hospital NHS Trust.</p>
<b>51- Gleeson Land and Wellbeck Land</b>	<p>It is accepted that there is no policy within the SWDP regarding health facilities. However, there is an SPD Planning for Health. In addition the NPPF 2012 Section 8 'Healthy Communities' at paragraph 70 states that planning policies should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. It is argued that the provision of health facilities is one such local service. This is repeated in NPPF 2018 at paragraph 92(a) which also states at para 92(b) that planning policies should take account of and support the delivery of local strategies to improve health ...for all sections of the community'.</p> <p>The policy seeks to ensure there is appropriate provision of health facilities in line with the requirements of NPPF. It is specifically states to ensure there is sufficient capacity to accommodate the resultant population from the development. It is not, as is being alleged, a policy seeking to address existing shortfalls.</p> <p>The policy could be amended as suggested if considered beneficial (see below).</p>

As a result of the representations it is considered that the policy could be amended as follows (**bold** text is new wording and ~~strike through~~ text is wording to be deleted):

Proposals for ~~new major~~ residential development **of 100 or more dwellings** should demonstrate that there is sufficient capacity in **NHS primary, secondary and community health facilities, including** in the General Practices and Dental Practices **that cater for the resident population within the Neighbourhood Plan Area**, to accommodate the resultant population from the development. **If there is insufficient capacity, proposals may be required, subject to viability considerations, to either provide the necessary facilities** or provide ~~make~~ an appropriate contribution through a legal agreement or by a Community Infrastructure Levy payment to improve the capacity of NHS health facilities to meet this additional need ~~where necessary~~.

Proposals for ~~new major~~ development **of 25 dwellings or more, 500 sqm of retail floorspace or 5ha for other non-residential development**, ~~where appropriate~~, should demonstrate **through the submission of a Health Impact Assessment** how it provides opportunities to deliver measures which will have positive benefits to the following health and well-being principles:

1. Sustainable development
2. Urban form - design and the public realm
3. Housing and employment
4. Age-friendly environments for the elderly and those living with dementia
5. Community facilities
6. Green infrastructure and play spaces/recreation
- 72.** Air quality, noise, light and water management
- 83.** Active travel
- 94.** Encouraging healthier food choices

<b>MD1: Building Design and Accessibility</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>MTC will work with MHDC on any cartographical issues.</p> <p>If considered beneficial this could that a summary of the key characteristics of the Local Character Areas could be included.</p> <p>Criteria 3 and 4 provide significant detail on the requirements. Criterion 4 could reference paragraph 5.6.6 to make it clearer that these are the key components being referred to.</p> <p>The link to policy SWDP21 is found at paragraph 5.6.18. A reference can be made within the reasoned justification to each policy MD1-MD3 and also to the Design Guide SPD.</p> <p>Criterion 4 could reference paragraph 5.6.6 to make it clearer that these are the key components being referred to.</p>
<b>51- Gleeson Land and Wellbeck Land</b>	<p>In relation to masterplans and design codes this part of the policy could be reworded (see below).</p> <p>The list at paragraph 5.6.6 relates to the key components mentioned at criterion 4 to the policy. This could be made more explicit as suggested in MTC's comments to other responses made on the MNP.</p>
<b>52-Julie Wood</b>	<p>The word 'efficient' could be replaced with 'effective' so that it is in line with NPPF (paragraph 17 8<sup>th</sup> bullet point of NPPF 2012, Chapter 11 of NPPF 2018 and SWDP policy 2A (iv) and SWDP 13 'Effective Use of Land'.</p>
<b>55-Malvern Community Trust</b>	<p>As stated in relation to the comment to response 52 the word 'efficient' could be changed to 'effective'.</p>
<b>61-Hallam Land Management</b>	<p>The use of design codes conforms with paragraph 59 of NPPF 2012 and paragraph 126 of NPPF 2018. The aim is to help deliver high quality outcomes, provide clarity about design expectations and a framework for creating distinctive places all with the involvement of the local community. It is clear that the NPPF (2012 and 2018) do not wish design codes to be unnecessarily prescriptive. This is the intention with the requirement from policy MD1B.</p> <p>The requirement for Design and Access Statements is laid out in the relevant Regulations and it is expected that these will be submitted with the relevant proposals whether or not criteria B of the policy is realised.</p>
<b>64-Mr &amp; Mrs Walsh</b>	<p>Policy MD1 (4) is directly related to paragraph 5.6.6 in the reasoned justification. To clarify this criterion 4 could refer to this paragraph in relation to 'key components'.</p>
<b>65-James Milne</b>	<p>Policy MD1 (4) is directly related to paragraph 5.6.6 in the reasoned justification. To clarify this criterion 4 could refer to this paragraph in relation to 'key components'.</p>

As a result of the representations it is considered that the policy could be amended as follows (**bold** text is new wording and ~~strike through~~ text is wording to be deleted) [criteria A1 and A3 remain unchanged]:

A2. Are of an appropriate scale and mass to their surroundings and makes **effective** ~~efficient~~ use of land whilst ensuring that the amenity of the area and neighbouring residents is not unacceptably adversely impacted;

A4. Key components of the building design **as listed at paragraph 5.6.6 of the Reasoned Justification**, which may have an effect on the aesthetic of the building, should be integrated into the overall design for the proposals to avoid the development having a detrimentally harmful impact on the character of the area.

B. For ~~major~~ developments (~~i.e.~~ over 100 dwellings and/or 5,000sq m of non-residential floor-space) masterplans and/or design codes should be used **as appropriate** to help bring forward development that delivers high quality design and place-making based on the key attributes and characteristics of that area.

<b>MD2: Landscaping and Public Realm</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>Policy MD1 deals with the design of the built elements of development and accessibility matters. Policy MD2 deals with landscape and public realm.</p> <p>MD2 (1) deals with landscape and public realm rather than the built elements of the environment.</p> <p>MD2 (2) - the Towns' location is important to the setting of the Malvern Hills AONB. It is therefore considered important that new development demonstrates that it has taken this into account by making reference to the AONB design guidance.</p> <p>The elements within MD2 (3) are considered important to the Town's character and natural capital. An applicant would need to assess the landscape character and biodiversity value of the site and ensure that the proposals help to enhance these. This part of the policy could be amended to:</p> <p><i>They take account of and enhance the existing landscape character and biodiversity assets of the site and its surroundings.</i></p>

MD3: Promoting Sustainable Design	
Representor	MTC comment
43-MHDC	The policy could be amended to remove the words 'where relevant' and include 'subject to viability considerations' (see below).
39-Quest for Future Solutions	This policy complies with relevant national policy and policy within the SWDP. Unfortunately, MTC do not have the necessary evidence to substantiate raising the percentage figure beyond that which is included within the SWDP.
59-Worcestershire County Council	<p>It was considered that the requirements within SWDP22 criteria F covered the opportunities to enhance biodiversity within the NPA through development proposals.</p> <p>This issue of fuel poverty could be included within the reasoned justification particularly with reference to the encouragement of proposals which include sustainable design above the 10% predicted energy threshold.</p> <p>The provision of water butts for non-potable water in relation to new homes could be added to paragraph 5.6.15 of the reasoned justification if considered beneficial.</p> <p>Further actions to improve local resilience to climate change, such as wider guttering, green roofs, etc. and reference to the Worcestershire Partnership Climate Change Strategy could be added to paragraph 5.6.16 of the reasoned justification if considered beneficial.</p> <p>Options for onsite composting for new homes could be added to paragraph 5.6.16 of the reasoned justification if considered beneficial.</p>

As a result of the representations it is considered that the policy could be amended as follows (**bold** text is new wording and ~~strike through~~ text is wording to be deleted):

Development proposals should demonstrate that they achieve high quality sustainable design by meeting, ~~where relevant,~~ the following criteria:

1. They take account of the water environment by providing sustainable drainage schemes (SuDS) to help manage surface water run-off and reduce flood risk and **they** incorporate measures to improve water efficiency; and
2. They make provision for sustainable design by incorporating energy efficiency features and renewable energy generation including the incorporation of renewable or low carbon energy to meet at least 10% of the developments predicted energy requirements, **subject to viability considerations**.



<b>MD4: Microgeneration</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	The policy supports microgeneration proposals subject to three criteria. The Reasoned Justification to the policy sets out when the policy would be applied.

<b>MT1: Transport and Development</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	For clarification the threshold refers to the 2018 Framework definition of ‘major development’.  The value of Policy MT1 is that it has been produced through and supported by the local community who have identified these as important issues in relation to development. It is considered to be in general conformity with the SWDP and NPPF.
<b>61-Hallam Land Management</b>	In terms of ‘appropriate’ this will be up to the decision-taker in consultation with the Local Highway Authority to assess including whether the development has an unacceptable impact on highway safety and whether these impacts can cost effectively be mitigated through improvements.

<b>MT2: Town Centre and District Centres Car Parking</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	Reference to the Malvern Hills Car Park Strategy could be included in the reasoned justification.  MT2B (6) should read: <i>They provide parking spaces (car, motor cycle and cycle) including disabled car park bays to meet the current parking standards;</i>  MT2B (7) would have a consequential change if policy MT4 is to change (see MT4).  The final paragraph of the policy seeks to acknowledge the increase in larger cars on the roads and encourages the provision of spaces large enough to accommodate them. The latter comment is a management and enforcement issue and not a land use planning issue.

<b>47-Grammont Group</b>	MT2 (7) would have a consequential change if policy MT4 is to change (see MT4).

<b>MT3: Malvern Link Railway Station Opportunity Area</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	The notation on the Key Diagram could be amended so that instead of a site with boundaries a symbol could be used in the location of the railway station.  Not prejudicing the operation of the adjacent Malvern Fire Station could be included as a criterion.
<b>47-Grammont Group</b>	MTC do not support the inclusion of supporting residential development within the policy. Due to the uncertainty over the level of car parking need MTC consider that removing the identified site area and replacing this with a symbol. This would potentially remove any issues regarding the clarity and purpose of the policy.  MT3 (6) would have a consequential change if policy MT4 is to change (see MT4).

<b>MT4: Electric Vehicle Charging Points</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	The policy could be amended to reflect WCC's requirements and refer to viability considerations (see below).
<b>47-Grammont Group</b>	The policy could be amended to reflect the requirements within WCC's Streetscape Design Guide (see below).
<b>51- Gleeson Land and Wellbeck Land Land</b>	The policy could be amended to reflect WCC's requirements and refer to viability considerations (see below).
<b>59- Worcestershire County Council</b>	Noted.

<b>62-Gladman Developments Limited</b>	The policy could be amended to reflect WCC's requirements and refer to viability considerations (see below).
<b>67-DC Rowberry and daughters</b>	The policy could be amended to reflect WCC's requirements and refer to viability considerations (see below).

As a result of the representations it is considered that the policy could be amended as follows (**bold** text is new wording and ~~strike through~~ text is wording to be deleted):

In line with Worcestershire County Council's Streetscape Design Guide a percentage of all car parking spaces to be provided with all new development, including change of use, should be equipped with an electric vehicle charging point (EVCP), subject to viability considerations, as follows:

- Residential development (houses and flats): 10% active spaces provision and 90% passive spaces provision;
- Non-residential development including car parks and park & ride sites: 5% of active spaces provision and 5% passive spaces provision.

The location and design of the EVCP should be appropriate to the character of the building and its surroundings.

~~Proposals for all new development, including change of use, should provide an electric vehicle charging point (EVCP), either in an active or passive form, with each car parking space to be provided in line with the adopted parking standards as a result of the development. The location and design of the EVCP should be appropriate to the character of the building and its surroundings.~~

The following could be added to the Reasoned Justification:

Worcestershire County Council's 'Street Scape Design Guide' (Winter 2018) sets out, in the 'Planning for Parking' section, its approach to the provision of EVCP. It states in relation to houses and apartments, 'Worcestershire County Council strongly encourages all properties to be equipped with Ultra Low Emission Vehicles (ULEV) charging points including provision where communal parking is provided. This position is supported by the NPPF'. In relation to on-residential development it states the provision of ULEV Charging Spaces should be on the following basis 'Initially 5% of the total parking spaces provided and a further 5% of the total parking spaces at an agreed trigger'.

<b>MI1: Development and Infrastructure</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>MTC consider that Policy MI1 provides a local perspective to policy SWDP7.</p> <p>For clarity the thresholds could be amended to:  <i>In order to ensure that infrastructure is being appropriately and adequately planned for, the following will be required to support planning applications:</i></p> <p><i>a. for developments between 10 and 199 houses; 1,000-9,999sqm of non-residential floor-space or a site measuring 0.5-3.99ha a statement outlining the infrastructure requirements, provision and delivery associated with that development including that which is being provided by the infrastructure provider;</i></p> <p><i>b. for developments over 200 houses; 10,000sqm of non-residential floor-space or a site measuring over 4ha an Infrastructure Delivery Statement (IDS) as outlined in the Reasoned Justification.</i></p> <p>The intention of the policy is not to promote less development within the Local Plan or undermine its strategic policies. It is seeking to ensure through the requirements of the policy that appropriate infrastructure is brought forward to support development in a timely manner. This is no different to the objectives of policy SWDP7.</p>
<b>46-Sport England</b>	<p>Built indoor sport and recreation facilities could be included under 'Community infrastructure' and outdoor sports and recreation facilities, including playing fields could be included under 'Green infrastructure'. The relevant evidence base could be referenced within the reasoned justification.</p>
<b>51- Gleeson Land and Wellbeck Land</b>	<p>MTC believes the policy does meet all three tests of the CIL Regulations. The policy is quite clear in that it applies to the provision of infrastructure or a contribution to the provision of infrastructure made necessary by the development.</p> <p>It is considered that the requirement outlined within MI1(a) and MI1(b) is information that applicants should already be obtaining as part of their development proposals. The policy is seeking to ensure that this information is clearly set out within the submission of the planning application. It is considered this will be of benefit to the decision taker, local stakeholders and local residents.</p>
<b>67-DC Rowberry and daughters</b>	<p>MI1 is seeking to ensure through the requirements of the policy that appropriate infrastructure is brought forward to support development in a timely manner. This is no different to the objectives of policy SWDP7.</p> <p>MHDC have not raised an issue with regard to the Validation Checklist.</p>

ME1: Protecting Employment Allocations	
Representor	MTC comment
43-MHDC	<p>It was not the intention of this policy to be in conflict or undermine policy SWDP53. In order to remedy this the first part of the policy could be amended (see below)</p> <p>The second part of the policy reflects the requirements of policy SWDP8A. This allows uses other than B1, B2 and B8 uses on sites allocated within policies SWDP 43-58 (which includes the two allocations within Malvern) subject to these uses clearly demonstrating the potential for job creation and not undermining or constraining the main purpose of the employment allocation.</p> <p>In order to remedy the conflict with policy SWDP53 the second part of the policy could be amended (see below).</p> <p>Proposals for other employment-generating uses such as small scale retail and leisure may be supported providing it can be demonstrated that <i>it does not impact the vitality and viability of the Town and District Centres and there are no sequentially preferable sites.</i></p> <p>The third sentence could be deleted from the paragraph 5.9.3.</p>
51- Gleeson Land and Wellbeck Land	The second part of the policy allows for non-B1, B2 and B8 uses at the North East Malvern employment allocation specifically so that the policy accords with policy SWDP8A. It is therefore considered to be in general conformity with the relevant strategic policies of the SWDP and meet Basic Condition 2(e).

As a result of the representations it is considered that the policy could be amended as follows (**bold** text is new wording and ~~strike through~~ text is wording to be deleted):

The employment land allocations within the adopted South Worcestershire Development Plan at SWDP 56: North East Malvern (10 ha) and SWDP 53: Malvern Technology Centre (QinetiQ) (4.5 ha) are supported and will be protected for future employment development. Proposals **for B1(b) employment uses at Malvern Technology Centre (QinetiQ) and** for B1, B2 and B8 employment uses **at North East Malvern** at these employment allocations will be supported subject to the proposed developments meeting the requirements of relevant policies within the statutory development plan.

**Proposals for uses other than B1(b) employment uses at Malvern Technology Centre (QinetiQ) will not be supported.** Proposals for non B1, B2 and B8 employment uses on the employment land allocated **at North East Malvern** ~~on these sites~~ will not be supported unless it can be demonstrated that proposals for other uses meet, where appropriate, the following criteria:

- 1.They generate local employment opportunities;
- 2.They do not undermine the primary purpose of the employment allocation to meet the needs of businesses within South Worcestershire, the District and the NPA;
3. For retail and leisure uses the proposal must satisfy the sequential test for main town centre uses within NPPF and they are of a size and scale appropriate to its location and do not have a adversely harmful impact on the vitality and viability of the NPA’s Town and District Centres and Neighbourhood Parades.
- ~~3. They satisfy, where relevant, the sequential test within NPPF;~~
- ~~and 4. They are of a size and scale appropriate to its location and do not have a adversely harmful impact on the vitality and viability of the NPA’s Town and District Centres and Neighbourhood Parades~~

<b>ME3: Employment Development Within Existing Industrial Estates and Business Parks</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>Paragraph 5.9.17 could be amended to:  <i>For office development a sequential test should be submitted. This should demonstrate that there are no preferable sites for the development within or on the edge of the NPA’s Centres. This is in line with paragraph 24 of the NPPF.</i></p> <p>The reference to ME3A should be ME3.</p>
<b>51- Gleeson Land and Wellbeck Land</b>	The issue of inconsistency between the Newland Depot designation and the Mixed Use allocation has been considered within a clarification to the Examiner dated 17 January 2019. MTC will work with MHDC on any cartographical issues.

<b>ME4: Non-employment development within Existing Industrial Estates and Business Parks</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>An example of an ancillary use could be a café use which would support existing businesses on the site.</p> <p>A paragraph could be included within the reasoned justification such as:  <i>For main town centre uses a sequential test should be submitted. This should demonstrate that there are no preferable sites for the development within or on the edge of the NPA’s Centres. This is in line with paragraph 24 of the NPPF.</i></p>

<b>MR1: Town and District Centres</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	The policy could remove reference to neighbourhood parades (see response to representation on policy MR2).

<b>MR2: Neighbourhood Parades</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>At the end of MR2 (2) it should read 'and' rather than 'or'.</p> <p>MR2 (2a) and MR2 (2b) should be MR2 (2i) and MR2 (2ii) respectively.</p> <p>It is considered that paragraph 5.10.15 is useful policy context to policy MR2.</p> <p>In relation to the possible conflict between MR2 and MR1 it is agreed that reference to neighbourhood parades in MR1 could be removed.</p>

<b>MH1: Housing Mix</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>51- Gleeson Land and Wellbeck Land</b>	The policy refers to applicants taking account of the requirements of the most up-to-date local Housing Needs Assessment and/or Strategic Housing Market Assessment or providing their own assessment of how their proposals meet local housing needs. It is therefore not considered too prescriptive and does take account of the fact that needs may change over time.
<b>61-Hallam Land Management</b>	The issue of viability is included within the wording of the policy.
<b>64-Mr &amp; Mrs Walsh</b>	The MNP acknowledges the provision of housing from the urban extension and allocations through to single infill development plots. Policy MH1 relates to developments of 5 or more dwellings in line with SWDP14. As such it relates to small sites as well as larger sites. Paragraph 4.5 recognises and seeks to protect the high quality environment of the Town in relation to windfall development.
<b>65-James Milne</b>	The MNP acknowledges the provision of housing from urban extension and allocations through to single infill development plots. Policy MH1 relates to developments of 5 or more dwellings in line with SWDP14. As such it relates to small sites as well as larger sites. Paragraph 4.5 recognises and seeks to protect the high quality environment of the Town in relation to windfall development.
<b>67-DC Rowberry and daughters</b>	The requirement for 'specialist housing for the elderly' is in line with policy SWDP20: Housing to meet the Needs of Older People. It is therefore considered appropriate.

<b>MH2: New Residential Development within the Development Boundary</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>The development boundary is included on the Key Diagram and on the SWDP Policies Map and it is not considered necessary to have a separate plan to show this.</p> <p>Criterion 1 is considered to align with policy SWDP2A(iv) and SWDP2G. The purpose of criterion 2 is the 'in principle' support for proposals to convert and re-use existing buildings for residential purposes within the development boundary.</p>



	If the suggested policy is considered more appropriate MTC do not have any objections to this amendment to the policy wording.
<b>27-Fisher German</b>	<p>We consider the MNP is in conformity with the strategic policies of the SWDP and in particular SWDP 2. Table 2 of the SWDP states, in relation to Malvern, that the policy will be implemented through housing development and the necessary associated infrastructure delivered through urban extensions, other allocations and infill development within defined development boundaries. The urban extensions and other allocations are included at SWDP 48-53 and 56. The MNP supports the urban extensions and other allocations as identified. Infill development within the defined development boundary is supported through the policy.</p> <p>These identified urban extensions and other allocations along with infill developments are considered within the adopted up-to-date SWDP to provide sufficient housing land to meet the objectively assessed need to 2030 as set out in the SWDP.</p> <p>In relation to criteria H of SWDP2 we consider that the MNP's support of the urban extensions and other allocations and of criteria-based policies that support the principle of infill development within the defined development boundary do not compromise the delivery of the SWDP strategic policies and proposals.</p> <p>No additional housing allocations are therefore required to meet the objectively assessed need identified within the adopted and up-to-date SWDP.</p>
<b>61-Hallam Land Management</b>	'Environmentally acceptable' relates to policy SWDP2A (iv) which refers to environmentally acceptable brownfield land. This is amplified in SWDP2H which states 'The biodiversity interest of brownfield sites will also be considered'. To make this clearer this could be included within the reasoned justification to the policy.
<b>64-Mr &amp; Mrs Walsh</b>	Only one of the four criteria listed in the policy relates to amenity of adjacent residents and occupiers. All criteria are of equal weight. Paragraph 5.11.8 demonstrates that the MNP supports additional housing development within the development boundary providing new housing is sustainable and adds to the high quality environment within the NPA.
<b>65-James Milne</b>	Only one of the four criteria listed in the policy relates to amenity of adjacent residents and occupiers. All criteria are of equal weight. Paragraph 5.11.8 demonstrates that the MNP supports additional housing development within the development boundary providing new housing is sustainable and adds to the high quality environment within the NPA.
<b>67-DC Rowberry and daughters</b>	Section 7 of the MNP acknowledges the SWDPR process and timetable. It also summarises the process MTC will undertake in relation to assessing the implications of the SWDPR on the MNP and any Review of it that may be required.

<b>MH3: New Residential Development beyond the Development Boundary</b>	
<b>Representor</b>	<b>MTC comment</b>
<b>43-MHDC</b>	<p>Agree to the suggested change to criterion 4.</p> <p>The AONB and Significant Gap are two important land use designations beyond the development boundary which it was considered helpful to highlight.</p> <p>If a single dwelling is converted into two or more dwellings there will be a requirement for car parking and outdoor garden space for the increased number of dwellings. Within a countryside and rural setting these requirements could have an impact on visual amenity and landscape character.</p> <p>Agree to the suggested deletion of the final sentence in paragraph 5.11.12.</p> <p>5.11.13-5.11.14 - reference to 'volume' should be 'footprint'. The reference in 5.11.4 could be deleted.</p>
<b>61-Hallam Land Management</b>	It is considered that the commitment to reviewing the MNP as a result of the emerging SWDP Review within Section 7 is appropriate and that this does not need to be referenced within any of the policies which need to conform with the strategic policies of the adopted SWDP.
<b>62-Gladman Developments Limited</b>	The policy is considered to be in general conformity with NPPF and the adopted SWDP. There is a strong commitment to undertaking a review of the MNP in respect of the emerging SWDP Review which looks to address the longer term development needs for the area.
<b>67-DC Rowberry and daughters</b>	Section 7 of the MNP acknowledges the SWDPR process and timetable. It also summarises the process MTC will undertake in relation to assessing the implications of the SWDPR on the MNP and any Review of it that may be required.