



Malvern Town Neighbourhood Plan

Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

On 25 June 2019 Malvern Hills District Council decided to make the Malvern Town Neighbourhood Plan under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended). The Malvern Town Neighbourhood Plan now forms part of the Development Plan for Malvern Hills District.

Reasons for the Decision

The Malvern Town Neighbourhood Plan meets the Basic Conditions and its promotion process is compliant with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the Referendum have voted in favour of the Plan being used to help decide planning applications in the area. The Plan was endorsed by more than the required threshold in the Referendum on 2 May 2019.

Background

The Malvern Town Neighbourhood Plan was prepared by Malvern Town Council, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the area defined by the boundaries of Malvern Town Council as a Neighbourhood Area for the purposes of preparing a neighbourhood plan was approved by Malvern Hills District Council in August 2014.

The Town Council published the draft Malvern Town Neighbourhood Plan for pre-submission consultation between 17 November 2017 and 26 January 2018, in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Town Council submitted the draft Malvern Town Neighbourhood Plan and supporting documents (including a Basic Conditions Statement and Consultation Statement) to the District Council in October 2018. The submitted Plan was

published by the District Council for public consultation between 9 November 2018 and 21 December 2018.

Malvern Hills District Council, with the consent of Malvern Town Council, appointed an independent examiner, Christopher Collison, to review the Plan and consider whether it should proceed to referendum.

The Examiner's Report was received on 31 January 2019. The examiner recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. The modifications are required to ensure that the Plan will meet the Basic Conditions and legal requirements. The examiner also recommended that the area for the referendum be based on the designated neighbourhood area which the Plan relates to.

Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the District Council to make the Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area.

A local referendum was held in the Malvern Town Neighbourhood Area on 2 May 2019 to decide whether the local community were in favour of the Malvern Town Neighbourhood Plan. From the votes recorded, 5,599 out of 6,539 (86%) of the votes cast were in favour of the Plan. The turnout of electors was 31.46%.

The District Council has also assessed and concluded that the Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). As such, the District Council decided on 25 June 2019 to make (adopt) the Malvern Town Neighbourhood Plan so that it is part of the statutory Development Plan for Malvern Hills District, sitting alongside the South Worcestershire Development Plan and other material considerations in determining planning applications in the Malvern Town Neighbourhood Area.

Malvern Hills District Council endorsed the decision of the Executive Committee to make the Malvern Town Neighbourhood Plan at its meeting on 23 July 2019.

Malvern Town Council identified a number of minor errors in the submitted and examined Neighbourhood Plan and proposed that these be corrected prior to the Plan being published by the District Council. Planning Practice Guidance says that a local planning authority can correct errors in a Neighbourhood Plan without the need for consultation and re-examination providing it is with the consent of the qualifying body and the changes are minor which would not materially affect the policies.

Malvern Hills District Council considered each of the proposed modifications and decided that the errors would be minor (non-material) modifications which do not materially affect the policies in the plan and should be made to the Malvern Town Neighbourhood Plan.

Inspection of Decision Statement and made Neighbourhood Plan

This decision statement can be viewed on the Malvern Hills District Council and Malvern Town Council websites:

<https://www.malvernhills.gov.uk/malvern-town-neighbourhood-plan>

<https://www.malverntowncouncil.org/home/>

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

<https://www.malvernhills.gov.uk/malvern-town-neighbourhood-plan>

<https://www.malverntowncouncil.org/home/>

Paper copies of this statement and the made Malvern Town Neighbourhood Plan can also be viewed at:

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

Jack Hegarty
Chief Executive, Malvern Hills District Council
23 August 2019