



06 November 2023

Chris Collison
Independent Examiner
Planning and Management Ltd

By e-mail

Dear Mr Collison,

**Welland Neighbourhood Planning Working Group (NPWG) and Malvern Hills District Council
Response to:
Welland Neighbourhood Development Plan Independent Examination – Examiner letter
seeking clarification of matters. Dated 28 October 2023.**

The NPWG is providing the responses to the clarification questions on behalf of Little Malvern and Welland Parish Council, the Qualifying Body. The content of these responses has been agreed with Malvern Hills District Council who are co-signatories to this letter, who will transmit the letter to yourself and who will post the responses on the District Council website alongside the Examiner's Letter.

Habitats Regulations Assessment - Q1

An addendum has been drafted to the July 2022 SEA/HRA screening report addressing the evidence emerging from the *Habitats Regulations Assessment of the South Worcestershire Development Plan Review 2021 - 2041 Publication Version, October 2022* report and the *Identification of wintering and passage roosts on functionally linked land of the Severn Estuary - Gloucestershire and Worcestershire (Phase 5) November 2021 Natural England Research Report NECR401 report*.

The draft addendum has been submitted to Natural England for them to provide their comments. Natural England's response will form part of the complete addendum note to the SEA/HRA Screening Opinion which will be submitted to you and posted on the District Council's website in due course.

Policy G1 – Q2

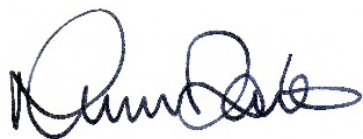
A paper titled SWDP NEW 99 and WLGS 07 is appended at page 3 of this letter that states that the proposed Local Green Space WLGS07- Kingston Close Habitat Area lies **outside** of and is not part of the 1.42 hectares of land (reference SWDP NEW 99) allocated in emerging Policy SWDPR 62 at Lawn Farm.

Policy H2 – Q3

A copy of the Statutory Instrument 2016 No. 587 is appended at page 6 of this letter. The Statutory Instrument which is also referenced in the South Worcestershire Development Plan - Adopted [Affordable Housing SPD](#) (October 2016) identifies the Parish of Welland as a designated rural area. The Parish of Welland, is synonymous with the Welland Neighbourhood Area,

We trust that the information set out here provides sufficient clarification in response to your letter at this time but we remain available to provide further detail as required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mick Davies', with a stylized, cursive script.

Mick Davies

Chair, Little Malvern and Welland Parish Council
Chair, Neighbourhood Planning Working Group

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THE WELLAND NEIGHBOURHOOD PLAN**SWDP NEW 99 and WLGS 07****03 November 2023****Summary**

In response to the Examiner's request for clarification concerning Policy G1 of the draft Welland Neighbourhood Plan.

2. Please confirm the proposed Local Green Space WLGS07- Kingston Close Habitat Area relates to 0.25 hectares of land that forms part of, and is wholly within, the 1.42 hectares of land (reference SWDP NEW 99) allocated in emerging Policy SWDPR 62 at Lawn Farm.

We can advise that the proposed Local Green Space WLGS07- Kingston Close Habitat Area lies **outside** of and is not part of the 1.42 hectares of land (reference SWDP NEW 99) allocated in emerging Policy SWDPR 62 at Lawn Farm.

The relationships between the land parcels is set out and illustrated in the text and images below.

Welland Neighbourhood Plan Working Group**November 2023****Origin of Figures**

The figures are captured images from online mapping tools.

Figure 1 is a screen shot from the SWDPR Document Library at https://www.localplanservices.co.uk/files/ugd/017f5b_6de9c9b808424045acfa1e6fdb2c6572.pdf

Appendix J – Interactive Map at <https://swdpr.newgrove.com>.

Figure 2 is a print from the Parish Council's account on the ParishOnline mapping tool. ParishOnline is the mapping tool used for the presentation of most of the GIS information in the Welland Neighbourhood Plan and its supporting documentation.

NEW 99

Figure 1. shows the SWDPR allocation for Welland under policy SWDPR 62: Malvern Hills Allocations. The site is designated as SWDP NEW 99, described as Lawn Farm (Phase 3) Drake Street, allocated for 17 dwellings on an area of 1.42ha. The SWDP Reg 19 ref is MHPH11.

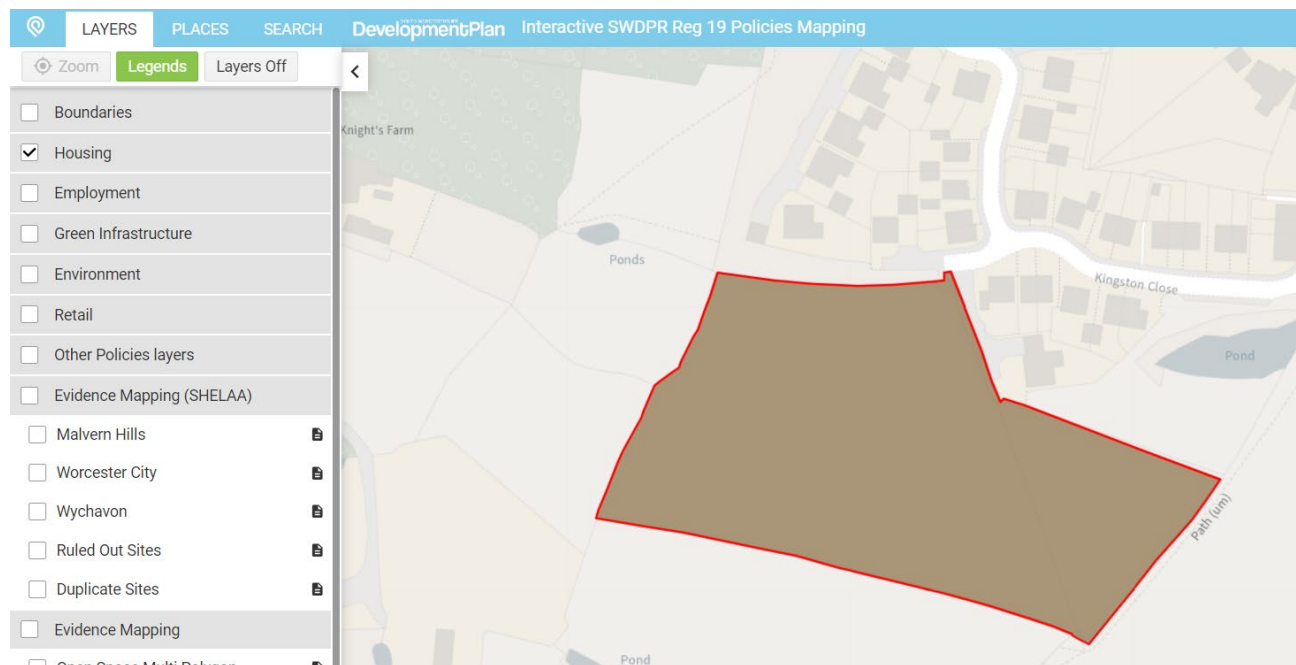


Figure 1.

LGS Designation

The area proposed as the Local Green Space designation WLGS 07 - Kingston Close Habitat Area is derived directly from the land specified in the Natural England Licence, issued to Bovis plc in January 2017, and the associated Landscape and Ecological Management Plan. Note: The licence, together with the MHDC approved document 'Guide to the Management of Landscape and Ecology Areas of Welland, Phase 2, ref Nov 16 rev C' provided the basis for discharge of planning conditions for the associated Kingston Close development.

The proposed WLGS 07 designation is shown in figure 2, in bright green. The boundaries are defined on the ground by wire and timber fencing to the south and west, by a mature hedge to the east and by roadway kerbs to the north.

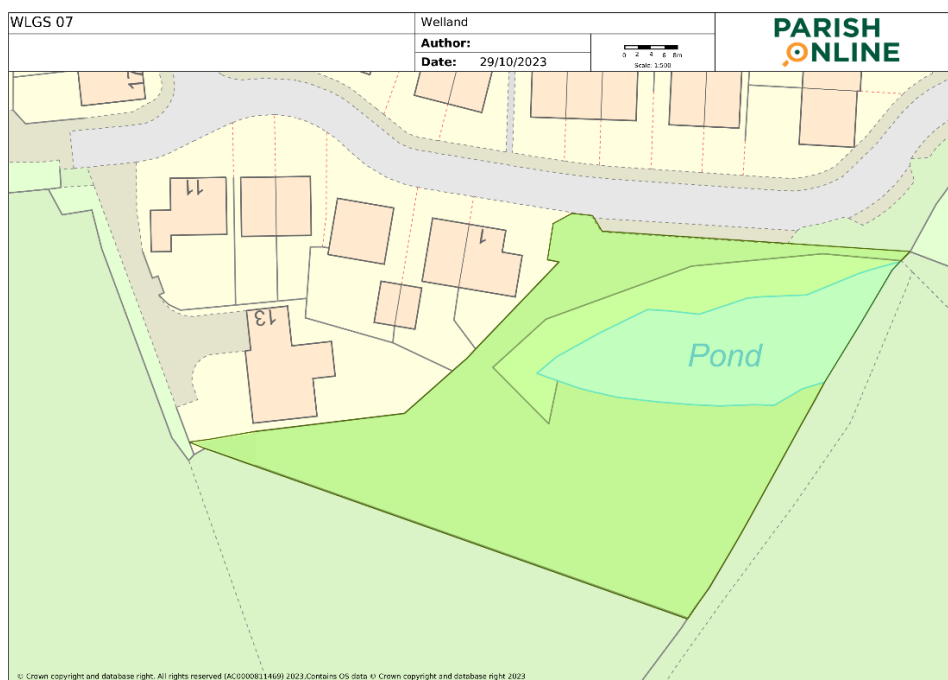


Figure 2.

The WLGS 07 proposed designation abuts the NEW 99 proposed housing site along the former's southwestern boundary. The areas do not overlap.

STATUTORY INSTRUMENTS

2016 No. 587

HOUSING, ENGLAND

**The Housing (Right to Buy) (Designated Rural Areas
and Designated Regions) (England) Order 2016**

<i>Made</i>	- - - -	<i>16th May 2016</i>
<i>Laid before Parliament</i>		<i>19th May 2016</i>
<i>Coming into force</i>	- -	<i>20th June 2016</i>

The Secretary of State, in exercise of the powers conferred by section 157(1)(c) and (3) of the Housing Act 1985(1), makes the following Order:

Citation, commencement and interpretation

1. This Order may be cited as the Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2016 and comes into force on 20th June 2016.
2. In this Order “the Act” means the Housing Act 1985.

Designated rural areas

3. The areas specified in the Schedule are designated as rural areas for the purposes of section 157 of the Act.

Designated regions

4. In relation to a dwelling-house which is situated in a rural area designated by article 3 and listed in paragraph 1 of the Schedule, the region designated for the purposes of section 157(3) of the Act is the district of Chichester.
5. In relation to a dwelling-house which is situated in a rural area designated by article 3 and listed in paragraph 2 of the Schedule, the region designated for the purposes of section 157(3) of the Act is the district of Malvern Hills.

(1) 1985, c. 68. Section 157(1) was amended by Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), by paragraph 9 of Part 1 of Schedule 15 to the Countryside and Rights of Way Act 2000 (c.37) and by section 188 of the Housing Act 2004 (c. 34). Section 157(3) was amended by section 126 of the Housing Act 1988 (c.50). There are other amendments to section 157 which are not relevant to this Order.

6. In relation to a dwelling-house which is situated in a rural area designated by article 3 and listed in paragraph 3 of the Schedule, the region designated for the purposes of section 157(3) of the Act is the area of the council of the county of Shropshire(2).

7. In relation to a dwelling-house which is situated in a rural area designated by article 3 and listed in paragraph 4 of the Schedule, the region designated for the purposes of section 157(3) of the Act is the district of Wychavon.

Review

- 8.—(1) The Secretary of State must from time to time—
- (a) carry out a review of articles 3 to 7, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by designating rural areas and regions for the purposes of section 157 of the Act,
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess whether the designations of the rural areas and regions in question remain appropriate.
- (3) The first report under this regulation must be published before 19th June 2021.
- (4) Subsequent reports must be published at intervals not exceeding five years.

Signed by the authority of the Secretary of State for Communities and Local Government

Brandon Lewis
Minister of State
Department for Communities and Local
Government

16th May 2016

SCHEDULE

Article 3

Designation of rural areas

1. In the district of Chichester, the parishes of Apuldram, Birdham, Bosham, Boxgrove, Chidham and Hambrook, Earnley, Eartham, Ebernoe, Funtington, Kirdford, Lavant, Linchmere, Loxwood, North Mundham, Northchapel, Oving, Petworth, Plaistow & Ifold, Sidlesham, Stoughton, West Wittering, Westhampnett and Wisborough Green.

2. In the district of Malvern Hills, the parishes of Abberley, Alfrick, Astley and Dunley, Bayton, Berrow, Birtsmorton, Bockleton, Bransford, Broadheath, Broadwas, Bushley, Castlemorton, Clifton upon Teme, Cotheridge, Croome D’Abitot, Doddenham, Earl’s Croome, Eastham, Eldersfield, Great Witley, Grimley, Guarford, Hallow, Hanley, Hanley Castle, Hill Croome, Hillhampton, Holdfast, Holt, Kempsey, Kenswick, Knighton on Teme, Knightwick, Kyre, Leigh, Lindridge, Little Witley, Longdon, Lower Sapey, Lulsley, Madresfield, Mamble, Martley, Newland, Pendock, Pendock (DET), Pensax, Powick, Queenhill, Ripple, Rochford, Rushwick, Severn Stoke, Shelsley Beauchamp, Shelsley Kings, Shelsley Walsh, Shrawley, Stanford with Orleton, Stockton on Teme, Stoke Bliss, Suckley, Tenbury, Upton-upon-Severn, Welland and Wichenford.

3. In the area of the council of the county of Shropshire, the parishes of Acton Burnell, Acton Round, Adderley, Alderbury with Cardeston, Alveley, Ashford Bowdler, Ashford Carbonel, Astley Abbots, Astley, Aston Eyre, Atcham, Badger, Barrow, Baschurch, Beckbury, Berrington, Bicton, Billingsley, Boningale, Boraston, Boscobel, Burford, Chelmarsh, Cheswardine, Chetton, Child’s Ercall, Claverley, Cleobury Mortimer, Clive, Cockshutt, Condover, Cound, Deuxhill, Donington, Eardington, Ellesmere Rural, Ford, Glazeley, Gobowen, Selattyn and Weston Rhyn, Great Hanwood, Great Ness, Greete, Grinshill, Hadnall, Hinstock, Hodnet, Hordley, Ightfield, Kemberton, Kinlet, Kinnerley, Knockin, Little Ness, Llanyblodwel, Llanymynech and Pant, Loppington, Ludford, Meverley, Middleton Scriven, Milson, Montford, Moreton Corbet and Lee Brockburst, Moreton Say, Morville, Myddle and Broughton, Neen Savage, Neen Sollars, Neenton, Norton in Hales, Oswestry Rural, Petton, Pimhill, Pitchford, Prees, Quatt Malvern, Richard’s Castle, Romsley, Rudge, Ruyton-XI-Towns, Ryton, Shawbury, Sheriffhales, Sidbury, St. Martins, Stanton upon Hine Heath, Stockton, Stoke upon Tern, Stottesdon, Sutton Maddock, Sutton upon Tern, Tasley, Tong, Uffington, Upton Cressett, Upton Magna, Welshampton and Lyneal, Wem Rural, West Felton, Westbury, Weston Rhyn, Weston-under-Redcastle, Whitchurch Rural, Whittington, Whixall, Withington, Woore and Worfield.

4. In the district of Wychavon, the parishes of Abberton, Abbots Morton, Aldington, Ashton under Hill, Aston Somerville, Beckford, Besford, Bickmarsh, Birlingham, Bishampton, Bredicot, Bredon, Bredon’s Norton, Bretforton, Bricklehampton, Broadway, Broughton Hackett, Charlton, Childswickham, Church Lench, Churchill, Cleeve Prior, Conderton, Cookhill, Crophorne, Crowle, Defford, Dodderhill, Dormston, Doverdale, Drakes Broughton and Wadborough, Eckington, Elmbridge, Elmley Castle, Elmley Lovett, Fladbury, Flyford Flavell, Grafton Flyford, Great Comberton, Hadzor, Hampton Lovett, Hanbury, Hartlebury, Hill and Moor, Himbleton, Hindlip, Hinton on the Green, Honeybourne, Huddington, Inkberrow, Kemerton, Kington, Little Comberton, Martin Hussingtree, Naunton Beauchamp, Netherton, North and Middle Littleton, North Piddle, Norton and Lenchwick, Oddingley, Ombersley, Overbury, Pebworth, Peopleton, Pinvin, Pirton, Rous Lench, Salwarpe, Sedgeberrow, Spetchley, Stock and Bradley, Stoulton, Strensham, Throckmorton, Tibberton, Upton Snodsbury, Upton Warren, Westwood, White Ladies Aston, Whittington, Wick and Wickhamford.

Status: This is the original version (as it was originally made).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the parishes listed in the Schedule to the Order as rural areas under section 157(1)(c) of the Housing Act 1985 (“the Act”), and provides for each of the regions of Chichester, Malvern Hills, Shropshire and Wychavon to be a designated region under section 157(3) of the Act in relation to dwelling-houses in the designated rural areas falling within the district.

Where a dwelling-house in a designated rural area is sold under the right to buy, the vendor may—

- (a) impose a covenant requiring its consent to any further disposal unless it is an exempted disposal under section 160 of the Act (that consent cannot be withheld if the disposal is to a person who has throughout the preceding 3 years had his only or principal home or place of work in a designated region which, or part of which, is comprised in the designated rural area) (section 157(3) of the Act); or
- (b) reserve a right of pre-emption if the Secretary of State or, if the vendor is a housing association, the Regulator of Social Housing, consents (section 156A(8) of the Act as inserted by section 188 of the Housing Act 2004).

Similar covenants as to consent or rights of pre-emption may be imposed in relation to dwelling-houses in the areas designated by this Order that are sold voluntarily under section 32 of the Act.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.