

Malvern Hills District Council



Hallow Neighbourhood Plan (Review) Decision Statement

Hallow Neighbourhood Plan (Review)

I confirm that following receipt of the Examiner's report on the 28 May 2024, the Hallow Neighbourhood Plan Review is to be formally withdrawn in accordance with Regulation 12 of the Neighbourhood Planning (General) Regulations 2012 for reasons outlined in this statement and the Neighbourhood Plan Withdrawal Statement.

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

09 July June 2024

Summary

Following an independent examination, Malvern Hills District Council has concurred with the request from Hallow Parish Council that the Hallow Neighbourhood Plan Review is to be withdrawn.

Background

Hallow Neighbourhood Plan

On the 14 July 2017, Malvern Hills District Council designated the area comprising the parish of Hallow as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Hallow Neighbourhood Plan (Regulation 14) consultation that took place between 15 June 2020 to 8 August 2020. The consultation responses informed the final version of the Hallow Neighbourhood Plan, which was submitted to Malvern Hills Council on 21 December 2020, along with the associated Consultation Statement, Basic Conditions Statement and SEA and HRA Screening Opinion.

The Hallow Neighbourhood Plan (Regulation 16) and associated documentation were then publicised, and representations invited; the publicity period commenced on 15 January 2021 and ended on 26 February 2023.

Malvern Hills District Council appointed an independent Examiner, Christopher Collison of Planning and Management Ltd to review whether the Hallow Neighbourhood Plan should proceed to referendum in January 2021. This and Mr Collison's final report, which recommended the Hallow Neighbourhood Plan should proceed to referendum, with modifications was received on 7 April 2021.

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 decided to make the modifications to the draft Hallow Neighbourhood Plan. The Plan then proceeded to referendum on 24 June 2021 and the Neighbourhood Plan was made.

Hallow Neighbourhood Plan Review

In 2023, Hallow Parish Council commenced a Review of their Neighbourhood Plan. Community consultation was undertaken on the draft Neighbourhood Plan Review between 22 May 2023 and 3 July 2023. Comments made during this period helped inform changes to the document now submitted to Malvern Hills District Council.

Under Regulation 15 of the Neighbourhood Planning (General) Regulation 2012, Hallow Parish Council submitted the draft Plan Review to Malvern Hills District Council on 25 August 2023. The submission consultation was undertaken from 2 September to 10 November 2023 and during this period 14 representations were received.

The submission consultation was undertaken from 2 September to 10 November 2023 and during this period 14 representations were received. Mr Andrew Ashcroft was appointed to independently examine the Hallow Neighbourhood Plan.

The examination was undertaken by way of written representations. Mr Ashcroft visited the Neighbourhood Area on 5 February 2024.

The Examiner's report was received on 28 May 2024. Subject to a series of recommended modifications set out in the report (See Table 1 of this statement), the examiner concluded that the Hallow Neighbourhood Plan (Review) meets all the necessary legal requirements and should proceed to referendum.

Decisions and Reasons

Hallow Parish Council have taken the decision to withdraw the Neighbourhood Plan, for reasons outlined in the Withdrawal Statement. Further information is also provided in Table 1 of this Statement. Hallow Parish Council informed MHDC of their decision to withdraw the Hallow Neighbourhood Plan (Review) following on from the meeting of the parish council on 13 May 2024 and recorded in the minute of the following meeting on 24 June 2024. Moreover, the Neighbourhood Plan will not be proceeding to Referendum at this time

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

Part of Document	Examiner’s Recommended Modification(s)	MHDC Response
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Part of Document	Examiner's Recommended Modification(s)	MHDC Response
Policy HAL1: Housing Requirement	<p>Recommended modification</p> <p>In policy HAL1:</p> <ul style="list-style-type: none"> • Revise the language used to clarify that the review of the Plan establishes a revised housing requirement for the neighbourhood area. • Remove reference to the development of dwellings on the site proposed at Greenhill Lane (Policy HAL2/1) as a delivery mechanism as that site is now completed. <p>Replace the policy with:</p> <p>'The Plan establishes is a minimum of 25 dwellings as the housing requirement for Hallow for the Plan period. This will be met by committed developments, and by windfall development in the Development Boundary.'</p> <p><i>At the end of paragraph 6.4 add:</i></p> <p><i>'In February 2022, full planning permission (21/01268/FUL) was granted for 55 homes on the allocated site (HAL1) in the made Plan at Greenhill Lane. The development of the site is now completed. The site is included within the proposed update of the Development Boundary (Map 6).'</i></p>	<p>Agreed, this section to be updated accordingly.</p>
HAL 2/1: Development of	<p>Recommended modification:</p> <p>In Policy HAL 2/1:</p>	<p>The basis of the reasoning underpinning the Examiner's decision is noted. However, Malvern Hills District Council has received</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
<p>Land at Greenhill Lane.</p>	<p>Delete the policy</p> <p><i>Delete paragraphs 6.9 to 6.12</i></p>	<p>Counsel advice presenting an alternative argument. This advice suggests that completed sites satisfy paragraph 14 of the NPPF (2023) by meeting the neighbourhood plan area housing requirement. The advice argues that the allocation, even when built out, could be retained in the neighbourhood plan with explanatory text to show how it meets the identified housing requirement.</p> <p>Notwithstanding this, the decision has been taken, for reasons set out in the withdrawal statement, for the neighbourhood plan to be withdrawn.</p>
<p>HAL3: Windfall Development</p>	<p>Recommended modification:</p> <p>In Policy HAL3:</p> <ul style="list-style-type: none"> • Replace the first part of the policy with: 'Housing development within the Hallow Development Boundary (as shown on Map 6 and the Policies Maps) will be supported where it complies with other development plan policies.' 	<p>Agreed, this section to be updated accordingly.</p>
<p>HAL4: Housing</p>	<p>Recommended modification:</p> <ul style="list-style-type: none"> • Delete the element of the policy on First Homes (the penultimate 	<p>Agreed, this section to be updated accordingly.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
Need	<p>paragraph).</p> <ul style="list-style-type: none"> • <i>Delete paragraphs 6.30 to 6.33 and the 'First Homes' heading</i> 	
Implementation, Review and Monitoring (Section 11)	<p><i>Recommended modification:</i></p> <p><i>Add a new paragraph (11.2) to read:</i></p> <p><i>'In this broader context, the adoption of the South Worcestershire Development Plan Review will be a key stage in the update of the development plan. The Parish Council will consider the need or otherwise for the full or partial review of the Plan within six months of the adoption of the South Worcestershire Development Plan Review.'</i></p>	<p>Agreed, this section to be updated accordingly.</p>