

Hallow Neighbourhood Development Plan Review 2021-2041

**A report to Malvern Hills District Council on the
Hallow Neighbourhood Development Plan Review**

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Executive Summary

- 1 I was appointed by Malvern Hills District Council in January 2024 to carry out the independent examination of the review of the Hallow Neighbourhood Development Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 5 February 2024.
- 3 The Plan is an excellent example of a neighbourhood plan review. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It also updates the 'made' Plan.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Hallow Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the designated neighbourhood area.

Andrew Ashcroft
Independent Examiner
28 May 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Hallow Neighbourhood Development Plan Review 2021-2041 ('the Plan').
- 1.2 The Plan was submitted to Malvern Hills District Council (MHDC) by Hallow Parish Council (HPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan (and a review of a plan) can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and setting in the wider landscape.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MHDC, with the consent of HPC, to conduct the examination of the Plan and to prepare this report. I am independent of both MHDC and HPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA Screening Opinions.
- the HPC Modification Statement.
- the representations made to the Plan.
- HPC's responses to the clarification note.
- the adopted South Worcestershire Development Plan.
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 5 February 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

3.6 In the submitted Modification Statement, HPC consider that the proposals represent material modifications to the 'made' Plan, but they are not considered so significant or substantial as to change the nature of the 'made' Plan.

3.7 I have considered the Modification Statements very carefully. I agree with HPC that most of the changes to the 'made' Plan fall into the first two categories. However, I have concluded that:

- the submitted Plan includes several policies which are material modifications to the neighbourhood plan and new policies (Policies HAL1 and HAL3);
- the submitted Plan proposes an updated development boundary. Whilst the updated boundary reflects development which has taken place since the Plan was made and the proposed housing allocation (Policy HAL2), it is an important matter which would have a significant impact on the future use of the land in the parish; and
- the cumulative effect of the various modified policies and the new policies would change the nature of the Plan.

In these circumstances, I have concluded that the submitted Plan includes material modifications which change the nature of the Plan and which require examination and a referendum.

3.8 I advised MHDC and HPC of this conclusion. HPC subsequently confirmed that it was content for the examination of the Plan to proceed. In these circumstances, I have examined the Plan in accordance under Schedule 4B of the Town and Country Planning Act 1990. The remainder of this report sets out the findings of the examination.

3.9 Section 7 of this report assesses each policy in turn and identifies any modifications required to ensure that the policy meets the basic conditions.

Updates to National Planning Policy

3.10 The NPPF has been updated twice since the Plan was prepared and submitted (September and December 2023). For clarity I have assessed the Plan against the December 2023 version of the NPPF.

4 Consultation

Consultation Process

- 4.1 Policies in 'made' neighbourhood plans, or their reviews, become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) (Amended) Regulations 2012, HPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a very good example of a Statement of this type. It sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices.
- 4.3 The initial part of the Statement records the various activities that were held to engage the local community. The activities reflect the nature of the review of the 'made' Plan. The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to July 2023).
- 4.4 Appendix 3 of the Statement provide details about how the Plan was refined because of this process. This helps to explain the way in which the Plan was refined after the consultation exercise on the pre-submission Plan.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. MHDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by MHDC. It ended on 10 November 2023. This exercise generated representations from the following organisations:
 - Hallow Stage II Limited
 - Historic England
 - Environment Agency
 - Natural England
 - National Highways
 - The Coal Authority
 - Malvern Hills District Council
- 4.7 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, this report refers to representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Hallow. It covers 643 hectares and is located to the north and west of Worcester. The River Severn and its floodplain form part of the eastern boundary of the parish. In 2011 its population was 1219 persons living in 539 households. It was designated as a neighbourhood area on 14 July 2017.
- 5.2 The parish consists of the village of Hallow, the smaller settlements of Shoulton and Little Eastbury/Parkfield, and the surrounding countryside.
- 5.3 Hallow village is located along a clear ridge in the landscape and which is followed by the Worcester to Tenbury Road (A443). It has a shop, a Post Office, two car showrooms, a public house (The Crown Inn), and a primary school. In addition, it enjoys a range of community and recreation facilities that help to support a wide range of sports, clubs, and general community life. The Elgar Business Centre is located to the north-west of the village and other offices are sited at Hallow Park.

Development Plan Context

- 5.4 The development plan for the parish is the South Worcestershire Development Plan (SWDP). It was adopted in February 2016. Policy SWDP 2 establish a development strategy and a settlement hierarchy. It seeks to ensure that new housing development is focused on Worcester and the other urban areas. The housing requirement to 2030 in South Worcestershire is 28,370 dwellings. The SWDP makes provision for around 28,400 dwellings to meet this need, including 93 dwellings in Hallow.
- 5.5 Hallow is identified as a Category 1 village in the SWDP. Category 1, 2 and 3 villages have a role predominately aimed at meeting locally identified housing and employment needs and are suited to accommodate market and affordable housing needs alongside limited employment for local needs. In this context, the SWDP includes four housing allocations in the parish:
- SWDP59/5 Land north of Orchard Close;
 - SWDP59d Land at Braithwaite's Yard;
 - SWDP59zk Former Royal Oak Public House, Main Road; and
 - SWDP59zzi Land south of Greenhill Lane.

The SWDP also sets a development boundary for Hallow.

- 5.6 The following other policies are particularly relevant to the submitted Plan:
- SWDP6 Historic Environment
 - SWDP7 Infrastructure
 - SWDP12 Employment in Rural Areas
 - SWDP13 Effective Use of Land
 - SWDP21 Design
 - SWDP22 Biodiversity and Geodiversity

- SWDP28 Management of Flood Risk

- 5.7 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. In the round the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.
- 5.8 MHDC is working with the Worcester City Council and Wychavon District Council to prepare a review of the SWDP. The review will provide an updated plan period to the year 2041. Work began in 2017 and consultation took place in late 2022 on the Regulation 19 version of the Plan. The review of the Plan includes site allocations, policies, and policy designations. The Plan was submitted for examination in September 2023.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 5 February 2024. I approached it from Worcester to the south. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.
- 5.10 I looked at the parts of the neighbourhood area that are most affected by the policies in the Plan. I paid particular attention to the proposed allocation of land at Greenhill Lane (Policy HAL/2) for residential development. I saw that most of the houses on the site were developed and occupied and that the final group of houses (in the northernmost part of the site) was being developed.
- 5.11 I also looked at the outlying settlement in the west of the parish.
- 5.12 I left the neighbourhood area on the A443 and drove to Holt Heath. As with the initial part of the visit, this helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Hallow Neighbourhood Development Plan Review:
- a plan-led system - in this case the relationship between the neighbourhood plan and the South Worcestershire Development Plan;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of modified and new policies on the delivery of new homes. In addition, it seeks to update the 'made' Plan to take account of changes in national policy and emerging local policies in South Worcestershire since the Plan was made in 2021.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for residential development (Policies HAL1 and 3) and for the allocation of a housing site (Policy HAL2). In the social dimension, it includes policies on housing needs (Policy HAL4), on local green spaces (Policy HAL8), and on community and recreational facilities (Policies HAL 12 and 13). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy HAL5), landscaping (Policy HAL6), important views (Policy HAL9) and on biodiversity (Policy HAL11). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in South Worcestershire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject

to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, MHDC undertook a screening exercise in September 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

Habitats Regulations Assessment

- 6.15 MHDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the potential impact of the Plan's policies on the Lyppard Grange SAC and Bredon Hill SAC.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about neighbourhood plan obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and HPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan

- 7.8 The Plan is well-organised and presented. It makes an appropriate distinction between the policies and their supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Foreword and the Introduction sets out information about the way in which the Plan has been developed. It also comments about the community's engagement in the development of the Plan. They properly identify the neighbourhood area (on Maps 1 and 2) and the Plan period (in paragraph 1.7).
- 7.10 Section 2 of the Plan set out information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the eventual policies.
- 7.11 Section 3 comments about the planning policy context within which the Plan has been prepared. It comments about the NPPF, the SWDP and the SEA/HRA screening exercises.
- 7.12 Section 4 sets out the vision, aims and objectives for the Plan. The vision is as follows:
- 'Hallow will continue to be an attractive, healthy place to live, a place that caters for the needs of all age groups. The Hallow Neighbourhood Plan will do this by:*

- *Helping to manage housing growth, so that it meets the needs of local people.*
- *Protecting and improving valued services and facilities.*
- *Preserving and enhancing Hallow's built and natural environment.'*

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General comments on the Plan and the format of its policies

7.14 The Plan is an excellent example of a review of a neighbourhood plan. It helpfully consolidates the review of the Plan into the structure of the 'made' Plan. This results in a series of new and revised policies and the retention of existing policies in the 'made' Plan (albeit with revised policy numbers).

7.15 For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by updates in national planning policy. In several cases whilst the policy remains unchanged the referencing used has changed to reflect the revised policy numbering.

HAL1: Housing Requirement

7.16 This is a new policy. It advises that the housing requirement for Hallow for the period 2021 to 2041 is a minimum of 25 dwellings. The policy then comments that this requirement will be met by a combination of committed developments, the allocation of a site at Greenhill Lane for the development of approximately 40 dwellings (Policy HAL2), and windfall development (Policy HAL3).

7.17 In the round I am satisfied that the Plan has taken a proactive approach towards this matter. It seeks to future proof the Plan and has taken account of the approach to strategic housing delivery included in the emerging review of the SWDP. Nevertheless, I recommend that Section 11 of the Plan is modified to identify that the strategic delivery of new housing is monitored. This would address any changes which may arise during the examination of the SWDP Review and/or delivery of new housing in the parish up to 2041.

7.18 I recommend two modifications to the policy. The first revises the language used to clarify that the review of the Plan establishes a revised housing requirement for the neighbourhood area. The second removes the 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. This matter is addressed in more detail in the next section of this report. I also recommend consequential modifications and updates to the supporting text.

7.19 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘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.’

At the end of paragraph 6.4 add:

‘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).’

HAL2/1: Development of Land at Greenhill Lane

- 7.20 The site at Greenhill Lane was allocated for housing development in the made Plan. It was seen as a new phase or extension to the SWDP allocation (SWDP59zzi) to its immediate west. The made Plan concluded that the development of the site will reinforce the recent focus of housing development on the eastern side of Hallow in more central locations. The submitted policy continues to allocate the site for residential development.
- 7.21 Paragraph 6.12 advises that in February 2022, planning permission (21/01268/FUL) was granted for the development of 55 dwellings on the allocated site and that the development has since commenced. It then comments that the policy has been retained in the Plan so that any revisions to the approved scheme continue to reflect the principles guiding the site’s development. It also advises that the site is included within the updated Development Boundary.
- 7.22 During the visit I saw that most of the site had been completed and that the houses were occupied. I also saw that construction was taking place on the final phase of its development. In these circumstances, I have concluded that it would be inappropriate to continue to allocate the site in the Plan. In addition, HPC’s ambitions as described in paragraph 6.12 of the Plan have now been overtaken by events. As such I recommend that the policy and the associated supporting text are deleted from the Plan.
- 7.23 This outcome will have no mathematical implication on the delivery of new homes in the parish. Homes which were either considered as commitments or as an allocation are now completions. I comment separately on the Plan’s intention to revise the development boundary to incorporate the Greenhill Lane site in the part of this report on Policy HAL3.

Delete the policy

Delete paragraphs 6.9 to 6.12

HAL3: Windfall Development

- 7.24 This is a new policy. It addresses windfall within a revised Development Boundary (DB).

- 7.25 By way of context, the made Plan did not propose any changes to the DB for Hallow (as included in the SWDP). The submitted Plan seeks to work within this strategic planning policy framework. However, it highlights that the DB has become significantly out-of-date because of the development of the housing allocations in the SWDP and the more recent ongoing development of the site off Greenhill Lane. The Plan therefore proposes to update the DB. The revised boundary is shown on Map 6. As the Plan comments, the intention is that the updated DB, along with the other non-strategic planning policies of the Neighbourhood Plan, will help direct development to the most sustainable locations and help to protect and enhance other key aspects of the local environment.
- 7.26 The policy advises that development proposals within the DB will be supported. It also sets out the limited circumstances where housing proposals would be supported outside the DB.
- 7.27 In the round I am satisfied that the approach taken is wholly appropriate. The revised DB properly reflects the recent development of new homes in the parish. It will continue to reinforce the sustainable approach in the Plan of concentrating new development in the village where it will have ready access to the existing commercial and community facilities.
- 7.28 HPC and MHDC have differing views on the incorporation of Coppice Close within the DB. I looked closely at this part of the parish during the visit. On the balance of the evidence, I am satisfied that the way in which HPC has defined the DB is appropriate. It reflects the extent of existing built development on the northern edge of the village and carefully follows the boundaries of the properties concerned.
- 7.29 Hallow Stage II Limited suggest that the revised DB should be expanded further to include additional housing allocations. I have considered this comment very carefully including the suggested additional housing site at Shoulton Lane. On the balance of the evidence, I am satisfied that the approach taken by HPC is appropriate and well-considered. The revisions to the DB have been designed to reflect existing development rather than to propose additional site allocations. I have made comments elsewhere in the report on the way in which HPC has sought to update the strategic housing requirement to reflect the work which is being undertaken on the SWDP Review and the way in which the development of new housing in the Plan period should be monitored.
- 7.30 I recommend that the first element of the policy is modified so that it refers to other development plan policies. This will simplify the approach taken and future-proof its effectiveness once the SWDP Review is adopted.
- 7.31 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

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.'

HAL4: Housing Need

- 7.32 This policy remains substantively unchanged from the made Plan (in which it was Policy HAL2). However, it includes additional elements on First Homes and the allocation of affordable housing.
- 7.33 The element on First Homes advises after the discount has been applied, the first sale of a First Home must be at a price no higher than £125,000 or otherwise linked to the minimum pay for Classroom Teachers. It also comments that First Homes exception sites will not be supported.
- 7.34 The other additional element advises that all affordable housing will be subject to conditions, or a planning obligation will be sought, to ensure that when homes are allocated, priority is given to people with a local connection to Hallow Parish.
- 7.35 I am satisfied that the retained elements of the policy continue to meet the basic conditions. They reflect way in which the parish sits within the settlement hierarchy of the SWDP and have regard to Section 5 of the NPPF.
- 7.36 I am also satisfied that the element of the policy on the allocation of affordable housing is appropriate and meets the basic conditions.
- 7.37 The element of the policy on First Homes has a prescriptive approach. MHDC make comments about the low level of the threshold and express concerns about the way in which the policy is directly linked to teachers' pay scales. It also comments that the approach taken in the policy may impact negatively on the delivery of First Homes as the threshold price of £125,000 is artificially low in relation to the price of homes in the parish.
- 7.38 I sought HPC's comments on these matters. It advised that:

'(national) guidance makes it clear that neighbourhood planning groups have the discretion to set lower price caps if they can demonstrate a need for this (Paragraph: 005 Reference ID: 70- 005-20210524). The basis for the price cap set out in Policy HAL4 is explained at paragraph 6.32 and footnote 4. The average cost to build a house (per square metres) is currently £1,400 to £3,000. So, a 3-bed (90 square metres) at the lower end of that scale would cost about £126,000. A 2-bed house would be less than £125,000. The price cap set in Policy HAL4 is linked to the minimum pay for Classroom Teachers which from 1 September 2023 is £30,000. Using the same calculation as footnote 4, the price cap in Policy HAL4 is currently £135,000 (4£30,000 plus 50% of annual salary as a deposit). The link to teachers' pay was selected because Hallow C of E Primary School had identified problems in classroom staff being able to afford to live locally. The First Homes scheme is designed to help local first-time buyers and key workers, like teachers, onto the property ladder.'*

- 7.39 I have considered these differing views very carefully. In doing so I have taken account of Planning practice guidance (ID: 70-004-20210524) which advises that:

'in order to qualify as a First Home, a property must be sold at least 30% below the open market value. Therefore, the required minimum discount cannot be below 30%.

However, the First Homes Written Ministerial Statement does give local authorities and neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this.'

7.40 On the balance of the evidence, I recommend that this part of the policy (and the associated supporting text) is deleted. I have reached this conclusion for the following related reasons:

- the approach is based on a price rather than a percentage cap of the market value of a home. As such, it does not make a realistic assessment of the value of homes in the parish;
- neither the policy nor the supporting text provides any evidence about the impact of the proposed approach on the delivery of First Homes and/or their viability at the indicated price cap indicated;
- the Plan's assessment of the costs and overall development finances of house building is limited. In addition, it focuses on build costs rather than market values; and
- whilst the benchmark of teachers' salaries responds to the needs of an important group of key workers it has a very specific rather than a general approach. In addition, the Plan's commentary about the ability of teachers to live and work in the parish takes no account of individual decisions which teachers (and other key workers) will make about the location of their workplaces and the location of their homes.

7.41 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Delete the element of the policy on First Homes (the penultimate paragraph).

Delete paragraphs 6.30 to 6.33 and the 'First Homes' heading.

HAL5: Housing Design

7.42 This policy remains unchanged from the made Plan (in which it was Policy HAL3).

7.43 I am satisfied that it continues to meet the basic conditions. It has regard to Section 12 of the NPPF.

HAL6: Landscape

7.44 This policy remains unchanged from the made Plan (in which it was Policy HAL4).

7.45 I am satisfied that it continues to meet the basic conditions. It reflects the significance of the overall landscape in the neighbourhood area and has regard to Section 15 of the NPPF.

HAL7: Dark Skies

7.46 This policy remains unchanged from the made Plan (in which it was Policy HAL5).

7.47 I am satisfied that it continues to meet the basic conditions. It reflects the dark skies environment in the neighbourhood area and has regard to Section 15 of the NPPF.

HAL8: Local Green Spaces

7.48 This policy remains unchanged from the made Plan (in which it was Policy HAL6).

7.49 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of green spaces in the neighbourhood area and has regard to Section 8 of the NPPF.

HAL9: Important Views

7.50 This policy remains unchanged from the made Plan (in which it was Policy HAL7).

7.51 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of important views in the neighbourhood area and has regard to Section 15 of the NPPF.

HAL10: Green Infrastructure Network

7.52 This policy remains unchanged from the made Plan (in which it was Policy HAL8).

7.53 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of green infrastructure in the neighbourhood area and has regard to Section 15 of the NPPF.

HAL11: Biodiversity

7.54 This policy remains unchanged from the made Plan (in which it was Policy HAL4).

7.55 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of biodiversity and the natural environment in the neighbourhood area and has regard to Section 15 of the NPPF.

HAL12: Community Facilities and Local Shops

7.56 This policy remains unchanged from the made Plan (in which it was Policy HAL10).

7.57 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of community facilities in the neighbourhood area and has regard to Section 8 of the NPPF.

HAL13: Recreation

7.58 This policy remains unchanged from the made Plan (in which it was Policy HAL11).

7.59 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of recreation facilities in the neighbourhood area and has regard to Section 16 of the NPPF.

HAL14: Hallow Conservation Area

- 7.60 This policy remains unchanged from the made Plan (in which it was Policy HAL12).
- 7.61 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of the conservation area and has regard to Section 16 of the NPPF.

HAL15: Features of Local Heritage Interest

- 7.62 This policy remains unchanged from the made Plan.
- 7.63 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of heritage assets in the neighbourhood area and has regard to Section 16 of the NPPF.

HAL16: Archaeological Assets

- 7.64 This policy remains unchanged from the made Plan (in which it was Policy HAL14).
- 7.65 I am satisfied that it continues to meet the basic conditions. It reflects the scale and significance of heritage assets in the neighbourhood area and has regard to Section 16 of the NPPF.

HAL17: Sustainable Transport

- 7.66 This policy remains unchanged from the made Plan (in which it was Policy HAL15).
- 7.67 I am satisfied that it continues to meet the basic conditions. It has regard to Section 9 of the NPPF.

Other Matters

- 7.68 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for MHDC and HPC to have the flexibility to make any necessary consequential changes to the general text. It will also be appropriate for any revisions to be made the references to the NPPF (as updated in December 2023) in the Plan (including any changes to NPPF paragraph numbers). I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies, to accommodate any administrative and technical changes and to reflect the December 2023 update of the NPPF.

Implementation, Review and Monitoring

- 7.69 Section 11 of the Plan addresses its implementation, review, and monitoring in a very positive way. It acknowledges that continual plan review is a fundamental element of the planning system.
- 7.70 I recommend that this element of the Plan is expanded to provide greater clarity on the matter and to comment that HPC will consider the need for a further full or partial review of the First Review within six months of the adoption of the emerging review of the SWDP. The adoption of that Plan will be a key stage in the update of the development plan and this approach will provide a clear signal to the development industry.

Add a new paragraph (11.2) to read:

'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.'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2041. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Hallow Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report, I recommend to Malvern Hills District Council that, subject to the incorporation of the modifications set out in this report, the Hallow Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 14 July 2017.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
28 May 2024