

# **Ballingham, Bolstone and Hentland Neighbourhood Development Plan (NDP)**

## **Basic Conditions Statement**

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

**April 2018**



## **1.0 INTRODUCTION**

- 1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)<sup>1</sup> sets out that only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
  - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
  - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
  - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
  - e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
  - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
  - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.2 This Basic Conditions Statement sets out how the Ballingham, Bolstone and Hentland NDP has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the NDP independent Examiner.

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<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

## **2.0 LEGAL REQUIREMENTS**

### **2.1 The Submission Plan is being submitted by a qualifying body**

This Submission Plan is being submitted by a qualifying body, namely Ballingham, Bolstone and Hentland Group Parish Council.

### **2.2 What is being proposed is a neighbourhood development plan**

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **2.3 The proposed Neighbourhood Plan states the period for which it is to have effect**

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made (2018) up to 2031 (the same period as the Herefordshire Local Plan Core Strategy).

### **2.4 The policies do not relate to excluded development**

The Neighbourhood Plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### **2.5 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.**

The Neighbourhood Plan proposal relates to the Ballingham, Bolstone and Hentland Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

### **3.0 BASIC CONDITIONS**

#### **3.1 a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan**

The Ballingham, Bolstone and Hentland Neighbourhood Development Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Plan has been drafted with regard to the relevant strategic planning policies for Herefordshire Council, and the comprehensive evidence base that supports these policies.

Paragraph 184 also states that Neighbourhood Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Ballingham, Bolstone and Hentland Neighbourhood Plan does not undermine the strategic policies of Herefordshire Council. The Plan aims to support these policies by supporting new housing development, protecting and enhancing the Golden Valley landscape character, promoting high quality, sensitive design in all new development, supporting new and enhanced tourism facilities, supporting the provision of green infrastructure, promoting sensitive highways design, protecting local green spaces and supporting proposals for new rural businesses and homeworking.

The Plan has regard to the twelve core planning principles set out within paragraph 17 of the Framework, as set out in Table 1 below:

**Table 1 NPPF Core Planning Principles and the Ballingham, Bolstone and Hentland Submission Neighbourhood Development Plan**

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Ballingham, Bolstone and Hentland Neighbourhood Development Plan has to guidance</b></p>
<p>Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>The Parish Councils have produced the Submission Plan in line with this guidance.</p> <p>The NDP will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan has empowered local people to shape their surroundings.</p> <p>The vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement.</p> <p>The Plan sets out a positive vision for the area up to 2031. The Neighbourhood Plan sets out a concise and practical suite of policies (12 policies in total to address particular issues relevant to the different parishes within the Group) to guide development control decisions.</p>
<p>Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p>	<p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Ballingham, Bolstone and Hentland in a creative way, ensuring that the quality and distinctiveness of the neighbourhood area is enhanced by including policies which protect the rural landscape setting. The Plan includes policies to promote high quality design (Policy BBH9) and the protection of built and natural heritage assets (Policies BBH8 and BBH10).</p>

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Ballingham, Bolstone and Hentland Neighbourhood Development Plan has to guidance</b></p>
<p>Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.</p>	<p>This Submission Neighbourhood Plan refines and amplifies the Herefordshire-wide Core Strategy Local Plan policies. It supports appropriate business and economic growth in the parishes through Policy BBH6.</p> <p>New housing to meet local needs within the settlements of Hoarwithy and St Owen’s Cross (Policy BBH1) is supported when it meets certain criteria.</p>
<p>Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>	<p>The Submission Neighbourhood Plan sets out policies which encourage high quality design in new development (Policy BBH9), and which protect and enhance local landscape character in the neighbourhood area (Policy BBH8). Policies BBH5 and BBH11 support enhancements of leisure, recreation, tourism and community facility uses when they do not have an adverse impact on residential amenity. Policy BBH6 supports development of employment uses when they do not negatively impact on residential amenity.</p>
<p>Planning should take account of the different roles and character of different areas, promoting the vitality of our main</p>	<p>The Submission Neighbourhood Plan has had regard to this core planning principle. It recognises the rural character of this sparsely populated</p>

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Ballingham, Bolstone and Hentland Neighbourhood Development Plan has to guidance</b></p>
<p>urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>group of parishes, and the different roles of the villages and settlements within a local hierarchy.</p> <p>The different roles of the settlements is recognised with Hoarwithy and St Owen’s Cross being the main focal points for new housing development.</p> <p>The Plan recognises the intrinsic character of this beautiful rural area and includes policies which protect the landscape and heritage assets.</p>
<p>Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).</p>	<p>Policy BBH9 of the Submission Neighbourhood Plan seeks to promote more sustainable design including energy efficiency and conservation measures and sustainable drainage systems. The Submission NDP has been drawn up by acknowledging known flood risks and issues.</p>
<p>Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>	<p>The Submission Neighbourhood Plan is fully consistent with this principle.</p> <p>The Plan provides a policy framework for the protection and enhancement of this highly sensitive rural landscape in the Wye Valley AONB in Policy BBH8. This policy protects important local assets and encourages the preservation and enhancement of local habitats and wildlife and integrating landscaping schemes into the surrounding landscape.</p>

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Ballingham, Bolstone and Hentland Neighbourhood Development Plan has to guidance</b></p>
	<p>The Plan also directs development away from the open countryside / wider rural area through the identification of settlement boundaries for Hoarwithy and St Owen’s Cross. This should have a beneficial impact on the natural environment.</p>
<p>Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.</p>	<p>The Submission Plan seeks to safeguard locally important open spaces from new development (Policy BBH5) and encourages new housing within the identified settlement boundaries for Hoarwithy and St Owen’s Cross.</p>
<p>Planning should promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).</p>	<p>Policy BBH5 promotes outdoor tourism, leisure and recreation and acknowledges that these uses can be compatible, in certain cases, with the wildlife, flood risk mitigation, food production and other functions of the neighbourhood area’s countryside.</p>
<p>Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations</p>	<p>The Submission Neighbourhood Plan is fully in line with this principle. Objective 7 of the NDP seeks to conserve heritage assets. This is directly addressed in more detail in two NDP policies.</p> <p>Policy BBH1 seeks to ensure appropriate account is taken of heritage assets including Hoarwithy Conservation Area.</p> <p>Policy BBH10 that identifies and seeks to protect local heritage assets.</p>

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Ballingham, Bolstone and Hentland Neighbourhood Development Plan has to guidance</b></p>
<p>Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable</p>	<p>The Submission Neighbourhood Plan seeks to focus development in sustainable locations by promoting new housing development within the settlement boundaries of Hoarwithy and St Owen’s Cross (Policy BBH1).</p> <p>Objective 2 of the NDP seeks to encourage improvements in public transport, road safety, traffic, footpaths, cycleways and bridleways. Policy BBH2 seeks to locate development close to the area’s limited public transport or to ensure that development is linked to public transport by footpath and cycle routes.</p>
<p>Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs</p>	<p>The Neighbourhood Plan is fully in accord with this principle.</p> <p>Policies in the Plan safeguard and seek to protect and improve the open countryside and rural landscape setting and promote walking and cycling. Policy BBH1 seeks to protect local community facilities, shops and pubs.</p>

**3.2 b. Having Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest**

There are a number of Listed Buildings and Scheduled Monuments in the neighbourhood plan area. Policy BBH8c seeks to ensure listed buildings are protected.

*[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].*

### **3.3 c. Having Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area**

The Plan area has a Conservation Area – Hoarwithy. The need to ensure development takes account of the Conservation Area is included in Policy BBH1.

*[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].*

### **3.4 d. Contributes to the Achievement of Sustainable Development**

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development.

Paragraphs 6-10 of the National Planning Policy Framework outline the Government’s definition of sustainable development.

The UK Government’s interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’

The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

- ❑ “an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ❑ a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well- being; and
- ❑ an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

In Paragraph 6, the NPPF states that “the policies in paragraphs 18-219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”.

Table 1 above gives a clear and comprehensive narrative of how the framework complies with the Core Planning Principles of the NPPF, and by corollary, the achievement of sustainable development.

Table 2 below summarises how the policies in the Submission Plan contribute to the economic, social and environmental aspects of sustainable development.

**Table 2      Ballingham, Bolstone and Hentland Submission Plan’s contribution to the economic, social and environmental aspects of sustainable development.**

<b>Sustainable Development Role</b>	<b>Neighbourhood Development Plan’s Contribution</b>
<b>Economic</b>	The Submission Neighbourhood Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the area, for example through supporting suitable employment growth (Policy BBH6) and outdoor tourism, leisure and recreation (Policy BBH5).
<b>Social</b>	The plan protects local community facilities and recognises the role of the landscape and countryside in supporting health and wellbeing of local residents. The Plan also supports new housing development in the villages of Hoarwithy and St Owen’s Cross. Policy BBH7 seeks to ensure communications infrastructure is improved and Policy BBH12 seeks to promote a thriving and vibrant community.

<b>Environmental</b>	<p>The Submission Neighbourhood Plan sets out policies that protect local heritage assets, landscape, especially the high quality landscape and distinctive landscape of this part of the Wye Valley.</p> <p>The Plan seeks to promote more sustainable transport patterns through improved accessibility and safer transport links and traffic management.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise the significance of locally important natural and built heritage assets to local residents as an important aspect of the area's identity.</p>
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**3.5 e. In General Conformity with Strategic Local Planning Policy**

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Local Plan Core Strategy 2011 - 2031.

Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from the Core Strategy.

**Table 3 Conformity with Strategic Local Planning Policy**

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”						
<p><b>POLICY BBH1 – PROMOTING NEW HOUSING DEVELOPMENT IN THE SETTLEMENTS OF HOARWITHY AND ST OWEN’S CROSS</b></p> <p>The settlement boundaries of Hoarwithy and St Owen’s Cross are identified on the Policies Map (Maps 1 and Map 2). Sustainable housing growth within, or in sustainable locations immediately adjacent, to the settlement boundaries will be supported. Proposals must also be in accordance with Herefordshire Core Strategy Local Plan Policy RA2 and the following locally set criteria:</p> <p>a. The design and layout of individual proposals is suitable in terms of its location, size, role and function to the settlement within which it is to be located.</p> <p>b. Proposals should result in infill development or sustainable additions to the settlements;</p> <p>c. Such proposals would not lead to development that is disproportionate to the size of the existing settlement or fails to take account of its needs;</p>	<p><b>Policy RA1 – Rural Housing Distribution Strategy</b></p> <p>In Herefordshire’s rural areas a minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county’s housing needs. The development of rural housing will contribute towards the wider regeneration of the rural economy.</p> <p>New dwellings will be broadly distributed across the county’s rural areas on the basis of seven Housing Markets Areas (HMA) and, as illustrated in Figure 4.13, this acknowledges that different areas of Herefordshire have different future housing needs and requirements.</p> <p>The 5,300 dwellings will be delivered throughout the rural HMAs as set out in the table below. The indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of neighbourhood development plans in the county. Local evidence and environmental factors will determine the appropriate scale of development.</p> <table border="1" data-bbox="929 1204 1662 1394"> <thead> <tr> <th data-bbox="929 1204 1220 1236"><b>RURAL HMA</b></th> <th data-bbox="1220 1204 1422 1316"><b>Approximate Housing number dwellings 2011 - 2031</b></th> <th data-bbox="1422 1204 1662 1316"><b>of growth target (%)</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="929 1364 1220 1394">Bromyard</td> <td data-bbox="1220 1364 1422 1394">364</td> <td data-bbox="1422 1364 1662 1394">15</td> </tr> </tbody> </table>	<b>RURAL HMA</b>	<b>Approximate Housing number dwellings 2011 - 2031</b>	<b>of growth target (%)</b>	Bromyard	364	15	<p>Policy BBH1 is in general conformity with the strategic approach for rural housing distribution set out in Policy RA1 of the HLPCS. By identifying settlement boundaries for the settlements of Hoarwithy, identified as a settlement that will be one of the “main” focal points for housing growth (HLCSP Table 4.14); and St Owen’s Cross identified as “another settlement where proportionate housing” mat be appropriate the NDP is in general conformity with the Core Strategy and sets more detailed local development management criteria for assessing planning</p>
<b>RURAL HMA</b>	<b>Approximate Housing number dwellings 2011 - 2031</b>	<b>of growth target (%)</b>						
Bromyard	364	15						

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”																					
<p>d. They would not result in isolated, non-characteristic and discordant dwellings but take account of existing built forms; and</p> <p>e. They take account, by suitable regard to their significance, of heritage assets and their setting, in particular, Hoarwithy Conservation Area.</p> <p>Development that may result in the capacity of the public sewerage network and/or the St Owen’s Cross Wastewater Treatment Works (WwTW) becoming overloaded will not be permitted.</p> <p>In either of these instances, development will need to be phased or delayed until capacity becomes available, either through Dwr Cymru Welsh Water (DCWW) regulatory investment or, in advance of this through the developer funding the improvements themselves via the provisions of the Water Industry Act (1991) and/or section 106 of the Town and Country Planning Act (1990).</p>	<table border="1"> <tr> <td>Golden Valley</td> <td>304</td> <td>12</td> </tr> <tr> <td>Hereford</td> <td>1870</td> <td>18</td> </tr> <tr> <td>Kington</td> <td>317</td> <td>12</td> </tr> <tr> <td>Ledbury</td> <td>565</td> <td>14</td> </tr> <tr> <td>Leominster</td> <td>730</td> <td>14</td> </tr> <tr> <td><b>Ross on Wye</b></td> <td><b>1150</b></td> <td><b>14</b></td> </tr> <tr> <td></td> <td>5300</td> <td></td> </tr> </table> <p>The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.</p> <p>Housing proposals will be permitted where the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that</li> </ol>	Golden Valley	304	12	Hereford	1870	18	Kington	317	12	Ledbury	565	14	Leominster	730	14	<b>Ross on Wye</b>	<b>1150</b>	<b>14</b>		5300		<p>proposals for such development.</p>
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	<p>contributes to or is essential to the social well-being of the settlement concerned;</p> <p>2. Their locations make best and full use of suitable brownfield sites wherever possible;</p> <p>3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and</p> <p>4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.</p> <p>Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.</p> <p><u>Figure 4.14: The settlements which will be are the main focus of proportionate housing development:</u></p> <p>Hoarwithy</p> <p><u>Figure 4.15: Other settlements where proportionate housing is appropriate:</u></p> <p>St Owen’s Cross</p>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p><b>Policy RA2 – Housing in Settlements outside Hereford and the Market Towns.</b></p> <p>To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.</p>	
<p><b>POLICY BBH2 – PUBLIC TRANSPORT</b></p> <p>Where appropriate new development should contribute to improvements to public transport.</p> <p>New development should seek to be sited as close as possible to the area’s limited public transport network. Where it is not possible to locate a development in reasonable proximity to the public transport network proposals should make use of existing links, or create new links, to the area’s footpath network where it can help provide better access to public transport.</p>	<p><b>Policy SS4 - Movement and transportation</b></p> <p>New developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.</p> <p>Development proposals that will generate high journey numbers should be in sustainable locations, accessible by means other than private car. Alternatively, such developments will be required to demonstrate that they can be made sustainable by reducing unsustainable transport patterns and promoting travel by walking, cycling and public transport.</p>	<p>Policy BBH2 is in general conformity with HLPCS Policy SS4 in that it seeks to locate development as close as possible to the area’s limited public transport network and where this is not possible to link development to public transport through the use of the existing footpath network.</p> <p>Policy BBH2 is also in general conformity with HLPCS Policy MT1 in</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded as required in future local or Neighbourhood Development Plans and developer contributions, which meet the statutory tests, sought to assist with the delivery of new sustainable transport infrastructure, including that required for alternative energy cars.</p> <p>Herefordshire Council will work with the Highways Agency, Network Rail, bus and train operators, developers and local communities to bring forward improvements to the local and strategic transport network to reduce congestion, improve air quality and road safety and offer greater transport choices, including the provision of the following major schemes:</p> <ul style="list-style-type: none"> <li>• ESG Link Road (safeguarded route) and Transport Hub;</li> <li>• Hereford Relief Road;</li> <li>• Leominster Relief Road;</li> <li>• Connect 2 Cycleway in Hereford;</li> <li>• Park and Choose schemes; and</li> <li>• other schemes identified in the Local Transport Plan and Infrastructure Delivery Plan.</li> </ul> <p>Proposals which enable the transfer of freight from road to rail will be encouraged. Development proposals</p>	<p>that it seeks to encourage the use of active travel i.e. public transport.</p>

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	<p>incorporating commercial vehicular movements that could detrimentally impact on the environmental quality, amenity, safety and character of the surrounding locality will be expected to incorporate evidence demonstrating how the traffic impacts are to be mitigated.</p> <p><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</li> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;</li> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use</li> </ol>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>of travel plans and other promotional and awareness raising activities;</p> <p>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;</p> <p>5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and</p> <p>6. have regard to with both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
<p><b>POLICY BBH3 – TRAFFIC AND ROAD SAFETY</b></p> <p>Development will only be supported where it can be satisfactorily shown that any increase in traffic will not have a detrimental impact on road safety at St Owen’s Cross.</p>	<p><b>Policy SS4 - Movement and transportation</b></p> <p>New developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.</p> <p>Development proposals that will generate high journey numbers should be in sustainable locations, accessible by means other than private car. Alternatively, such developments will be required to demonstrate that they can be made sustainable by reducing unsustainable transport patterns and promoting travel by walking, cycling and public transport.</p> <p>Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded as required in future local or Neighbourhood Development Plans and developer contributions, which meet the statutory tests, sought to assist with the delivery of new sustainable transport infrastructure, including that required for alternative energy cars.</p>	<p>Policy BBh3 is in general conformity with HLCSP policies SS4 and Mt1.</p> <p>Policy BBH3 in line with Policy SS4 seeks to minimise impact on the transport network and its safe operation.</p> <p>Policy BBH3 is also in general conformity with criterion 1 of Policy MT1 that seeks to ensure that the “strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>Herefordshire Council will work with the Highways Agency, Network Rail, bus and train operators, developers and local communities to bring forward improvements to the local and strategic transport network to reduce congestion, improve air quality and road safety and offer greater transport choices, including the provision of the following major schemes:</p> <ul style="list-style-type: none"> <li>• ESG Link Road (safeguarded route) and Transport Hub;</li> <li>• Hereford Relief Road;</li> <li>• Leominster Relief Road;</li> <li>• Connect 2 Cycleway in Hereford;</li> <li>• Park and Choose schemes; and</li> <li>• other schemes identified in the Local Transport Plan and Infrastructure Delivery Plan.</li> </ul> <p>Proposals which enable the transfer of freight from road to rail will be encouraged. Development proposals incorporating commercial vehicular movements that could detrimentally impact on the environmental quality, amenity, safety and character of the surrounding locality will be expected to incorporate evidence demonstrating how the traffic impacts are to be mitigated.</p>	<p>adverse impacts from the development”</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</li> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;</li> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;</li> <li>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of</li> </ol>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>people with disabilities and provide safe access for the emergency services;</p> <p>5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and</p> <p>6. have regard to with both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>	
<p><b>POLICY BBH4 – FOOTPATHS, CYCLEWAYS AND BRIDLEWAYS</b></p> <p>The network of footpaths, cycleways and bridleways will be protected and enhanced. Development proposals will only be supported when it can be demonstrated</p>	<p><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p>	<p>Policy BBH4 is in general conformity with HLPCS Policy MT1 criterion 5 that seeks to “5. protect existing local and long distance footways, cycleways and</p>

<b>Ballingham, Bolstone and Hentland NDP Policies</b>	<b>Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)</b>	<b>Assessment of “general conformity”</b>
<p>they have taken account of the identified network, and, where possible, sought to enhance and extend this network.</p> <p>Development proposals leading to loss or breaks in this network of routes will not be supported, unless adequate or better replacement is provided.</p>	<ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</li> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;</li> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;</li> <li>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;</li> <li>5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have</li> </ol>	<p>bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan”.</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and</p> <p>6. have regard to with both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>	
<p><b>POLICY BBH5 - PROMOTING OUTDOOR TOURISM, LEISURE AND RECREATION</b></p> <p>Development for new outdoor tourist and recreation uses will be supported where they do not have a significantly adverse impact on the rural character and residential amenity of the area.</p> <p>All such proposals should consider the need for:</p> <ol style="list-style-type: none"> <li>a. Suitable access and car parking;</li> <li>b. Signage;</li> <li>c. The opportunity to create new and enhanced links to other tourist, leisure and recreation facilities; and</li> </ol>	<p><b>Policy E4 – Tourism</b></p> <p>Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county’s unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including:</p> <ol style="list-style-type: none"> <li>1. recognising the unique historic character of Hereford and the market towns as key visitor attractions and as locations to focus the provision of new larger scale tourist development;</li> <li>2. the development of sustainable tourism opportunities, capitalising on assets such as the</li> </ol>	<p>Policy BBH5 is in general conformity with HLPCS Policy E4 both policies seek to promote outdoor tourism by capitalising on the area’s environmental and heritage assets.</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
<p>d. The potential to create new or improved footpaths and bridleways.</p> <p>The following sites, shown on Policies Maps 1 and 2, are allocated for outdoor tourism and recreation uses:</p> <ul style="list-style-type: none"> <li>• Land between footpaths C1261/C1267 and River Wye, Hoarwithy</li> <li>• Football field, St Owen’s Cross</li> </ul> <p>These sites will be protected. Development of these sites will not be supported unless as part of a development proposal alternative provision of equal community benefit and in a location accessible to the community it is intended to serve by active modes of travel and private car is provided elsewhere within the neighbourhood area.</p>	<p>county’s landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county’s varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;</p> <ol style="list-style-type: none"> <li>3. retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels will be encouraged. Applicants will be encouraged to provide a ‘Hotel Needs Assessment’ for any applications for new hotels;</li> <li>4. ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity; and</li> <li>5. the safeguarding of the historic route of the Herefordshire and Gloucestershire Canal (shown on the Policies Map), together with its infrastructure, buildings,</li> </ol>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	towpath and features. Where the original alignment cannot be re-established, a corridor allowing for deviations will be safeguarded. New developments within or immediately adjoining the safeguarded corridor will be required to incorporate land for canal restoration. Development not connected with the canal that would prevent or prejudice the restoration of a continuous route will not be permitted.	
<p><b>POLICY BBH6 - EMPLOYMENT GROWTH AND JOBS</b></p> <p>Proposals for the following new employment generating uses will be supported when they do not adversely affect the rural character of the area, or existing, and future, residential amenity:</p> <ul style="list-style-type: none"> <li>a) The conversion or re-use of an existing building for an employment creating use;</li> <li>b) Homeworking proposals;</li> <li>c) Live/work units;</li> <li>d) Local food production and sales; and</li> <li>e) Other forms of diversification of an existing rural enterprise or business.</li> </ul>	<p><b>Policy E1 - Employment provision</b></p> <p>The focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Larger employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:</p> <ul style="list-style-type: none"> <li>• the proposal is appropriate in terms of its connectivity, scale, design and size;</li> <li>• the proposal makes better use of previously developed land or buildings;</li> <li>• the proposal is an appropriate extension to strengthen or diversify an existing business operation;</li> <li>• the proposal provides for opportunities for new office development in appropriate locations. The provision of</li> </ul>	<p>Policy BBH6 is in general conformity with Policy E1 of the HLPCS it seeks to support new economic development appropriate to the neighbourhood area.</p> <p>Policy BBH5 supports homeworking in line with HLPCS Policy E3.</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>viable live/work units as part of mixed use developments will also be encouraged.</p> <p><b>Policy E3 – Homeworking</b>                      The value of home working will be recognised by allowing some material change of use to part of a dwelling, where the dwelling remains as the principle place of residence for the home worker; and recognising the potential to encourage and expand home working, by allowing small extensions or conversions where the proposed use and operation would be compatible with its location and heritage value, and where it would not adversely affect the amenity of the neighbourhood by any of the following:</p> <ul style="list-style-type: none"> <li>• changes to the appearance of any building;</li> <li>• noise disturbance from the use or any increased traffic and parking generated;</li> <li>• unsociable hours of operation; and</li> <li>• the storage of hazardous materials or emissions from the site.</li> </ul>	
<p><b>POLICY BBH7 - NEW DEVELOPMENT TO IMPROVE COMMUNICATIONS INFRASTRUCTURE</b></p> <p>New development to improve communications infrastructure will be encouraged when it does not have a</p>	<p><b>Policy ID1- Infrastructure Delivery</b>                      Provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach.</p> <p>Where necessary, in addition to planning conditions for essential on-site design requirements and critical</p>	<p>Policy BBH7 seeks to improve communications infrastructure in this part of rural Herefordshire. This policy is in general conformity and</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
detrimental impact on the landscape and character of the area.	infrastructure, developer contributions towards strategic infrastructure through s106 agreements and/or a future Community Infrastructure Levy (CIL), will be secured in accordance with national planning policies and other relevant legislation.	complements HLPCS Policy ID1.
<p><b>POLICY BBH8 - PROTECTING AND ENHANCING LANDSCAPE CHARACTER</b></p> <p>To protect and enhance the landscape of the area development proposals will have to demonstrate that:</p> <p>a. The character of the local landscape has influenced the design, scale, form and siting of the development proposed;</p> <p>b. They protect and enhance the differing settings of the various settlements in this part of the Wye Valley;</p> <p>c. They protect and enhance any designated areas such as wildlife sites, listed buildings, conservation areas and ancient monuments;</p> <p>d. They retain and enhance any non-designated assets such as stone walls and wildlife sites;</p>	<p><b>Policy SS6 – Environmental Quality and Local Distinctiveness</b></p> <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:</p> <ul style="list-style-type: none"> <li>• landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;</li> <li>• biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;</li> </ul>	<p>Policy BBH8 is in general conformity with HLPCS Policy SS6 it seeks to protect and enhance the character of the local landscape, especially in the AONB. Policy BBH8 also seeks to protect biodiversity, heritage assets and water quality.</p> <p>Policy BBH8 is also in general conformity with HLPCS Policy LD1. Policy BBH8 seeks to protect the local landscape/AONB; seeks incorporation of appropriate landscaping and maintenance or extension of tree cover.</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
<p>e. They protect and enhance the natural, historic and scenic beauty of the Wye Valley;</p> <p>f. They incorporate appropriate landscaping schemes and future on-going management to ensure the proposal integrates in to the surrounding landscape;</p> <p>g. They maintain and extend native tree species, hedgerows, and other important vegetation; and</p> <p>h. They do not have an adverse impact on the environmental quality of the area’s rivers, streams and brooks.</p>	<ul style="list-style-type: none"> <li>• historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;</li> <li>• the network of green infrastructure;</li> <li>• local amenity, including light pollution, air quality and tranquillity;</li> <li>• agricultural and food productivity;</li> <li>• physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.</li> </ul> <p><b>Policy LD1 – Landscape and townscape</b> Development proposals should:</p> <ul style="list-style-type: none"> <li>• demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;</li> <li>• conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management;</li> <li>• incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and</li> </ul>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<ul style="list-style-type: none"> <li>maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planning to support green infrastructure.</li> </ul>	
<p><b>POLICY BBH9 – HIGH QUALITY DESIGN</b></p> <p>All new development proposals within the neighbourhood plan area will be expected to demonstrate the following.</p> <p>a) that it exploits existing infrastructure, or provides adequate new services so as to ensure the development does not have a negative impact on existing infrastructure;</p> <p>b) does not have a detrimental effect on residential amenity by reason of noise, dust, odours or general nuisance to existing and future occupants;</p> <p>c) does not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure; and</p> <p>d) does not result in the loss of an area which makes a significant contribution to public amenity by virtue of its open space character, appearance and function.</p>	<p><b>Policy SS1 - Presumption in Favour of Sustainable Development</b></p> <p>When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.</p> <p>Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:</p>	<p>Policy BBH9 is in general conformity with HLPCS Policy SS1 and the presumption in favour of sustainable development. Good design is one of the components of sustainable development within the NPPF.</p> <p>Policy BBH9 is in general conformity with HLPCS Policy SS6 in that it sets criteria for assessment of planning proposals that take in: the distinctive built environment; natural environment; local amenity; and use of resources.</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
<p>The plan area has a distinctive and special character. Development will be supported which would make a positive contribution to that distinctive character and be of good design and quality. In seeking to protect and enhance the unique identity of the area, all development will also have to have regard to the following:</p> <p>a. contribution to local identity, and sense of place;</p> <p>b. suitability of the overall design and appearance of the proposed development (including size, scale, density, layout, access, lighting, street furniture and signage) when assessed in relationship with surrounding buildings, spaces, vegetation, water areas and other features of the street scene;</p> <p>c. use, and where appropriate, re-use of local and traditional materials or suitable artificial alternatives. Standardised materials and products should be avoided;</p> <p>d. use of space and landscape design;</p> <p>e. protection and enhancement of ancient woodland, other woodland areas, trees, hedgerows, rivers, ditches and ponds;</p>	<p>a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or</p> <p>b) specific elements of national policy indicate that development should be restricted.</p> <p><b>Policy SS6 – Environmental Quality and Local Distinctiveness</b></p> <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:</p> <ul style="list-style-type: none"> <li>• landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;</li> <li>• biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;</li> </ul>	<p>Policy GP2 is in general conformity with HLPCS Policy LD1 in setting local criteria for the assessment of proposals.</p> <p>The policy is in general conformity with Policy SD1 , in particular criteria (h) and (i).</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
<p>f. movement to, within, around, and through the development;</p> <p>g. originality, innovation and initiative;</p> <p>h. inclusion of energy efficiency and conservation measures; and</p> <p>i. use of Sustainable Drainage Systems.</p>	<ul style="list-style-type: none"> <li>• historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;</li> <li>• the network of green infrastructure;</li> <li>• local amenity, including light pollution, air quality and tranquillity;</li> <li>• agricultural and food productivity;</li> <li>• physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.</li> </ul> <p><b>Policy LD1 – Landscape and Townscape</b> Development proposals should:</p> <ul style="list-style-type: none"> <li>• demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;</li> <li>• conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management;</li> <li>• incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and</li> <li>• maintain and extend tree cover where important to amenity, through the retention of important trees,</li> </ul>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>appropriate replacement of trees lost through development and new planting to support green infrastructure.</p> <p><b>Policy SD1 – Sustainable Design and Energy Efficiency</b>                      Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:</p> <ul style="list-style-type: none"> <li>• ensure that proposals make efficient use of land - taking into account the local context and site characteristics,</li> <li>• new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design</li> <li>• safeguard residential amenity for existing and proposed residents;</li> <li>• ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;</li> <li>• where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective</li> </ul>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<ul style="list-style-type: none"> <li>• ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;</li> <li>• utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure</li> <li>• where possible, on-site renewable energy generation should also be incorporated</li> <li>• create safe and accessible environments that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly</li> <li>• ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and</li> <li>• utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;</li> </ul> <p>All planning applications including material changes of use, will be expected to demonstrate how the above design</p>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	and energy efficiency considerations have been factored into the proposal from the outset.	
<p><b>POLICY BBH10 – PROTECTING LOCAL LANDSCAPE AND LOCAL HERITAGE ASSETS</b></p> <p>Development proposals should be designed in such a way that they conserve and enhance the local landscape and local heritage assets identified below:</p> <p>Abandoned routes Sandpit Lane, Bierless Lane, Colys Lane, Hell’s Ditch, Well Lane, Although Lane, Llanfrother Lane</p> <p>Ancient woodland</p> <p>Nether Wood (border); Lady Coppice (border); Fox Wood (border); Ballis Wood (border); Trilloes Court Wood; Upper Bolstone Wood; Lower Bolstone Wood; Widows Wood (border); Brick Kiln Wood (border); 1 unlabelled site at Kidley Hill; 1 unlabelled site at Ballingham Hill; Carey &amp; Capler Woods (border); Armastone Wood (border); Weaven Wood; Gwatkins Grove; Elvaston</p>	<p><b>Policy SS6 – Environmental Quality and Local Distinctiveness</b></p> <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:</p> <ul style="list-style-type: none"> <li>• landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;</li> <li>• biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;</li> <li>• historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;</li> <li>• the network of green infrastructure;</li> <li>• local amenity, including light pollution, air quality and tranquillity;</li> </ul>	<p>Policy BBH10 is in general conformity with Policy SS6 in that it identifies the local landscape and heritage assets to be protected in the area.</p> <p>Policy BBH10 is in general conformity with HLPCS Policy LD1 in that it seeks to “conserve and enhance the natural, historic. and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty”.</p> <p>Policy BBH10 is in general conformity and adds further detail to HLPCS Policy LD4 by identifying the local</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
<p>Wood (border); Riggs Wood (border); Pengethley Grove (border); Tuft Wood; 1 x unlabelled site between Dason Court and Harewood End Public House; Lower Heath Wood</p> <p>Buildings Hentland Church, Hoarwithy Church, Hoarwithy Chapel, Toll House, Gillow Manor, Treaddow, Little Treaddow, New Inn, New Inn Cross, Llanfrother Tresseck, New Harp, Upper Orchard (Old Harp), Wye Meadows (Prussia Inn)</p> <p>Commons Ballingham Island, Ballingham Common, Ballingham Hill, Shop Common, Biblett's Common, Biblett's Island, Rocks Common North, Rocks Common South, Parson's Common</p> <p>Sites of Historical Interest Red Rail wharf and river crossing, Spring/well in Well Lane, Spring/well on Wyehill, Chapel Tumps, Gaer Cop, Tresseck</p>	<ul style="list-style-type: none"> <li>• agricultural and food productivity;</li> <li>• physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.</li> </ul> <p><b>Policy LD1 – Landscape and Townscape</b></p> <p>Development proposals should:</p> <ul style="list-style-type: none"> <li>• demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;</li> <li>• conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;</li> <li>• incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and</li> <li>• maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.</li> </ul>	<p>heritage assets to be conserved and enhanced.</p>

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
<p>paper mill site, Hoarwithy Corn Mill, Middle Mill</p>	<p><b>Policy LD4 – Historic Environment and Heritage Assets</b>                      Development proposals affecting heritage assets and the wider historic environment should:</p> <ol style="list-style-type: none"> <li>1. protect, conserve and where possible enhance heritage assets and their settings, heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;</li> <li>2. the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design, where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;</li> <li>3. use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;</li> <li>4. record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and.</li> <li>5. where appropriate, improve the understanding of and public access to the heritage asset.</li> </ol> <p>The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes</p>	

Ballingham, Bolstone and Hentland NDP Policies	Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)	Assessment of “general conformity”
	<p>should emphasise the original form and function of any asset and, where appropriate, improve the understanding of and public access to them.</p>	
<p><b>POLICY BBH11 – PROTECTING COMMUNITY FACILITIES, SHOPS AND PUBS</b></p> <p>The community facilities listed below and shown on Policies Maps 1, 2 and 3 will be protected:</p> <p>The New Inn, St Owen’s Cross                      Football field, St Owen’s Cross                      The New Harp, Hoarwithy                      Ballingham Old School Hall (BOSH)</p> <p>Development to enhance or improve these facilities will be supported when it preserves local character and distinctiveness, and does not harm the landscape or residential amenity.</p> <p>Development leading to the loss of these facilities will only be supported when equivalent, or better, provision is made elsewhere in the area; or after an extended</p>	<p><b>Policy SC1 - Social and Community Facilities</b></p> <p>Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.</p> <p>New development that creates a need for additional social and community facilities that cannot be met through existing social facilities will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF</p> <p>Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing).</p>	<p>Policy BBH11 is in general conformity with the approach set out in HLPCS PolicySC1 it identifies the social and community infrastructure to be protected in the neighbourhood area.</p>

<b>Ballingham, Bolstone and Hentland NDP Policies</b>	<b>Relevant Herefordshire Local Plan Core Strategy Policies (HLPCS)</b>	<b>Assessment of “general conformity”</b>
<p>period of active marketing there is no longer a viable community, retail, food and drink or commercial use for the site.</p>	<p>Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.</p>	

### **3.6 f. Be Compatible with EU Obligations**

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

**The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).**

#### **Strategic Environmental Assessment (SEA)**

To meet the ‘basic conditions’ which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.

A SEA screening report (the “Environment Report”) was prepared by Herefordshire Council to determine whether or not the content of the draft Ballingham, Bolstone and Hentland Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. A Habitat Regulations Assessment screening report was also undertaken for the Neighbourhood Plan to determine whether a Habitats Regulations Assessment (HRA) is required in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

#### **Requirement for Habitats Regulations Assessment (HRA)**

Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan’s implementation.

## **SEA/HRA Determination**

### **Strategic Environmental Assessment (SEA)**

The screening assessment prepared by Herefordshire Council indicated that, due to the range of environmental designations in and around the parish, there may be significant environmental effects and consequently, that a SEA may be required but this would be subject to monitoring as the plan progressed and policies were changed. The minor wording changes resulting from the Regulation 14 consultation are such that it is considered full SEA is not required. The March 2018 Environment Report concludes:

“ the Ballingham, Bolstone and Hentland Group NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Therefore, no further changes are recommended as a result of this SEA (stage D).”

### **Habitats Regulations Assessment (HRA)**

A screening assessment to determine the need for HRA was undertaken and can be found in Section 4 of the Habitats Regulations Assessment produced by Herefordshire Council concluded that:

*“8.1 None of the Draft Ballingham, Bolstone and Hentland Plan (January 2017) policies were concluded to be likely to have a significant effect on the River Wye SAC. This is primarily because although the parish lies within the hydrological catchment of the River Wye, development is in line with the Core Strategy and existing safeguards exist within both plan policies. Based on assumptions and information contained within the Ballingham, Bolstone and Hentland Neighbourhood Plan, Herefordshire Core Strategy and the Pre-submission version and Proposed Main Modification Addendum B of the HRA for the Core Strategy all of the NDP policies were found to be unlikely to result in a significant likely effect on the River Wye SAC and Wye Valley Woodlands SAC.*

*8.2 In many cases this is because the policy itself would not result in development, i.e., it related instead to criteria for development. In a number of cases the policies also included measures to help support the natural environment, including biodiversity and therefore no significant effect conclusion could be reached. In addition, these policies have the potential to mitigate some of the possible adverse effects arising from other policies.*

*8.3 The plan is very much criteria based, and does not allocate sites for development. However it allocates settlement boundaries for Hoarwithy and St Owens Cross.*

*8.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Sewerage Treatment works serving the Ballingham, Bolstone and Hentland area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.*

*8.5 It is unlikely that the Ballingham, Bolstone and Hentland Plan will have any in-combination effects with any Plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Housing Market Area in the Herefordshire Core Strategy and all of the proposed housing sites will be of a small scale.*

*8.6 It is therefore concluded that the Ballingham, Bolstone and Hentland Plan will not have a likely significant effect on the River Wye SAC or Wye Valley SAC.*

*8.7 Any further amendments to policies (post January 2017) will be rescreened if required and an addendum to this report will be produced.”*

Further the March 2018 Addendum report concluded:

**“Therefore it was concluded that the Ballingham, Bolstone and Hentland Group NDP will not have a likely significant effect on the River Wye SAC and Wye Valley Woodlands SAC.”**

### **European Convention on Human Rights**

The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” The Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

**3.7 g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).**

The prescribed conditions have therefore been met in relation to the Neighbourhood Development Plan (NDP) and prescribed matters have been complied with in connection with the proposal for the Plan.



**Prepared on behalf of Ballingham, Bolstone and Hentland Group Parish Council by Kirkwells Town Planning Consultants**

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