

## **Brampton Abbots and Foy Neighbourhood Development Plan (NDP)**

# **Basic Conditions Statement**

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

**Brampton Abbots and Foy Parish Council**

With assistance from



## 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 Brampton Abbotts and Foy 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 Brampton Abbotts and Foy Group Parish Council. The neighbourhood area was designated on 29<sup>th</sup> January 2013.

### **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 2011 to 2031 (the same period as the adopted Herefordshire Local Plan Core Strategy 2011 - 2031).

### **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 designated Brampton Abbotts and Foy Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area. The Designated Neighbourhood Plan Area has the same boundary as that of the Parish at the time of the designation and is shown on Figure 1 in the NDP.

### 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 Brampton Abbots and Foy Neighbourhood Development Plan has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, February 2019)<sup>2</sup>.

#### 2. Achieving Sustainable Development

Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development.*' The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

Table 1 sets out how the Brampton Abbots and Foy NDP delivers the 3 overarching Objectives:

**Table 1 Delivering Sustainable Development**

NPPF Overarching Objectives	Brampton Abbots and Foy NDP Policies and Proposals
<i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i>	Policy BAF5 of the NDP supports the development of small-scale business enterprises suitable to a rural location such as the neighbourhood area.
<i>b) a social objective –to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future</i>	Brampton Abbots and Foy NDP recognises the importance of contributing to the social sustainability of the local community.  The NDP identifies a settlement boundary within which new housing development will be supported when it meets a defined set of criteria.

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<p><i>needs and support communities' health, social and cultural well-being; and</i></p>	<p>Policy BAF7 identifies existing community facilities and open spaces in the neighbourhood area that should be protected. The plan supports bringing St Michaels and All Angels Church back into use.</p>
<p><i>c) <b>an environmental objective</b> - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>Brampton Abbots and Foy NDP has a strong emphasis on environmental sustainability, reflecting its location within the beautiful Herefordshire countryside and the area's many built and natural heritage assets.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• Policy BAF1.2 that sets policy for development within the Area of Outstanding Natural Beauty</li> <li>• Policy BAF3 that seeks to protect non-designated heritage assets</li> <li>• Policy BAF4 that seeks to protect landscape and scenic beauty</li> </ul>

### 3. Plan Making

In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the Brampton Abbots and Foy NDP addresses each of these in turn.

**Table 2 Plan Making**

NPPF Plan Making	Brampton Abbots and Foy NDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	The Brampton Abbots and Foy NDP has been prepared to contribute to sustainable development. Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.
b) be prepared positively, in a way that is aspirational but deliverable;	<p>The NDP has been prepared positively to support new housing development to meet the minimum housing target in the Core Strategy.</p> <p>The Parish Council, through the Steering Group, has worked hard to ensure policies are positively worded to 'support' suitable and appropriate development. Policy criteria have been prepared through a thorough approach to community engagement and reflect local aspirations for high quality design which considers local context and character.</p>
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	<p>All the policies have been prepared through an extensive and thorough approach to community engagement.</p> <p>The accompanying Consultation Statement sets out the details of the extensive, wide ranging community consultation and engagement activities which have been undertaken at all stages of the Plan's preparation.</p> <p>Briefly this has included:</p>

	<ul style="list-style-type: none"> <li>• Regular publicity and updates within the neighbourhood area;</li> <li>• An informal consultation drop-in session;</li> <li>• Formal consultation at the Regulation 14 stage; and</li> <li>• Consultation on the Strategic Environmental/Habitat Regulations Assessment.</li> </ul> <p>At each consultation stage representations have been considered carefully and appropriate amendments made to the NDP.</p>
<p>d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;</p>	<p>The NDP policies and proposals have been prepared by a Steering Group on behalf of the Parish Council, with support from a planning consultant and planning officers at Herefordshire Council.</p> <p>Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.</p>
<p>e) be accessible through the use of digital tools to assist public involvement and policy presentation; and</p>	<p>Updates and documents have been provided on the NDP website at all stages of plan preparation.</p> <p>Responses by email were invited at informal and formal consultation stages.</p>
<p>f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).</p>	<p>The NDP has been amended and updated to reduce duplication with policies in the Herefordshire Local Plan Core Strategy and duplication with national policies. Again, it is understood that the Examination may lead to further changes to policies and supporting text.</p>

### The Plan Making Framework

Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The Brampton Abbots and Foy NDP contains non-strategic

planning policies and proposals that add local detail and value to strategic policies in the Herefordshire Local Plan Core Strategy. The supporting text for the NDP policies refers to the relevant strategic policies.

### **Non-strategic policies**

Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Brampton Abbotts and Foy NDP supports development in line with Local Plan Core Strategy Policy RA1 Rural housing distribution. Brampton Abbotts and Foy is in the Ross-on-Wye Rural Housing Market Area (RHMA) that has a 14% indicative housing growth target over the plan period up to 2031. This equates to 19 additional homes in Brampton Abbotts and Foy parish as a whole. In seeking to deliver this minimum target the position as of April 2018 was as follows (Herefordshire Council NDP Department annual review):

#### **Commitments (April 2018)**

<b>Category</b>	<b>Number of</b>
Completions	2
Under Construction	0
Planning approvals	15
Total Commitments	17

Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

### **5. Delivering a sufficient supply of homes**

Paragraph 65 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The Brampton Abbotts and Foy NDP has been prepared in



the context of Herefordshire Local Plan Core Strategy Policies RA1 and RA2 and demonstrates that 17 dwellings have been delivered against the indicative target of 19 dwellings (14% growth target). All of these dwellings are windfalls, over the first 7 years of the plan period, i.e. 2.4 a year. It is reasonable to conclude, especially with the potential for rural building conversions, that the remaining 2 dwellings will be delivered in the neighbourhood area over the final 12 years of the plan period. The option of allocating sites through the NDP was considered but rejected.

Brampton Abbotts and Foy is located within a rural area. Paragraph 78 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The NDP supports this principle by guiding new development proposals to within the identified settlement boundaries of Brampton Abbotts one of the settlements identified as a "main focus for proportionate housing development" (Table 4.14 in the Core Strategy).

### **6. Building a strong, competitive economy**

Paragraph 83 advises that in rural areas planning policies should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. The Brampton Abbotts and Foy NDP supports appropriate economic development in the rural area by including a policy to promote development of small-scale rural businesses (Policy BAF4) and to protect community facilities (BAF7).

### **8. Promoting healthy and safe communities**

Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The NDP includes a policy that protects existing community facilities (Policy BAF7) and sets out policy to improve traffic management in the area (Policy BAF8).

### **9. Promoting sustainable transport**

Paragraph 102 advises that opportunities to promote walking, cycling and public transport use should be identified and pursued. Policy BAF8 seeks traffic management improvements to improve conditions for all road users.

### **11. Making effective use of land**

Paragraph 118 advises that planning policies should a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; and b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood

risk mitigation, cooling/shading, carbon storage or food production. The Brampton Abbots and Foy NDP supports conservation and, where appropriate, enhancement of biodiversity (Policy BAF4g).

## **12. Achieving well-designed places**

Paragraph 124 explains that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Brampton Abbots and Foy NDP includes Policy BAF2 that seeks to achieve good design quality and Policy BAF4 that seeks to protect landscape and scenic beauty.

## **14. Meeting the challenge of climate change, flooding and coastal change**

Paragraph 148 advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 151 goes on to set out that to help increase the use and supply of renewable and low carbon energy and heat, plans should c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers and in paragraph 152, local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning. Brampton Abbots and Foy NDP includes Policy BA2i, this supports the use of sustainable drainage systems.

### **Planning and flood risk**

Paragraph 157 sets out that plans should avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by various measures including c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques). Brampton Abbots and Foy is affected by surface water flooding, low water tables and a lack of access to mains drainage. Brampton Abbots and Foy NDP includes Policy BA2i, this supports the use of sustainable drainage systems.

## **15. Conserving and enhancing the natural environment**

Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside. Policy BAF4 aims to the

local landscape and scenic beauty; Policy BAF6 seeks to ensure the development of polytunnels does not have an adverse impact on the local landscape.

#### **Ground conditions and pollution**

Paragraph 180 sets out that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes considering such matters as noise and light pollution. Policy BAF4f seeks to minimise light pollution.

#### **16. Conserving and enhancing the historic environment**

Paragraph 184 advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 18 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Policy BAF3 of the NDP seeks to protect the area's non-designated heritage assets.

#### **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**

Appendix 1 of the NDP includes the entries from the National Heritage List for England. The List has been used in preparing the NDP.

*[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 NDP area does not include a conservation area.

*[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. This is set out in more detail in Table 1 of this Statement in relation to the economic, social and environmental objectives of the NPPF.

#### **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 adopted Herefordshire Local Plan Core Strategy 2011-2031. Table 3 sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the Local Plan.

**Table 3 General Conformity with Strategic Planning Policies in the Herefordshire Local Plan Core Strategy 2011 - 2031**

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>POLICY BAF1 - NEW HOUSING DEVELOPMENT IN BRAMPTON ABBOTTS</b></p> <p><b>1. Within the Settlement Boundary</b></p> <p><b>A balanced mix of new housing development of good design within the defined Brampton Abbotts Settlement Boundary, as shown on the Policies Map (Figure 6), will be supported when:</b></p> <p><b>a. It is of good design when assessed against Policy BAF2 of this plan and Policy SD1 of the Herefordshire Local Plan Core Strategy and in keeping with the character, appearance and local distinctiveness of the settlement</b></p> <p><b>b. It conserves and enhances the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB);</b></p> <p><b>c. It does not lead to significant adverse surface water flooding or local road traffic and highway safety impacts; and</b></p> <p><b>d. It conserves the linear road side settlement pattern</b></p> <p><b>Where possible such proposals should provide a mix of dwelling types, which include lower cost housing that benefit</b></p>	<p><b>Policy SS2 - Delivering new homes</b></p> <p>A supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need.</p> <p>Hereford is the focus for new housing development to support its role as the main centre in the county. Outside Hereford, the main focus for new housing development will take place in the market towns of Bromyard, Kington, Ledbury, Leominster and Ross on Wye, on existing or new allocations to enhance their roles as multi-functional centres for their surrounding rural areas. In the rural areas new housing development will be acceptable where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community. In the wider rural areas new housing will be carefully controlled reflecting the need to recognise the intrinsic character and beauty of the countryside.</p> <p>The use of previously developed land in sustainable locations will be encouraged.</p>	<p>Brampton Abbotts and Foy NDP area and parish lies within the Ross-on-Wye rural HMA. Core Strategy Policy RA1 identifies a housing growth target of at least 14% for the Ross-on-Wye Rural Housing Market Area (RHMA). The Brampton Abbotts and Foy NDP has been prepared in the context of Herefordshire Local Plan Core Strategy Policies RA1 and RA2 and demonstrates that 17 dwellings have been delivered against the indicative target of 19 dwellings. All of these dwellings are windfalls, over the first 7 years of the plan period, i.e. 2.4 a year. It is reasonable to conclude, especially with the potential for rural building conversions, that the remaining 2 dwellings will be delivered in the neighbourhood area over the final 12 years of the plan period.</p> <p>However, this is a minimum indicative growth target and with 12 years of the plan period remaining, with further small windfalls of one or two dwellings as has been the case historically, it is likely this target will be exceeded.</p> <p>The NDP Policy is in general conformity with Core Strategy Policy SS2 which sets out the strategic housing requirement for Herefordshire; Policy RA1 the rural housing</p>

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>older people, people or families with disabilities, young families and single people, thereby creating a genuine lifetime community.</b></p> <p><b>2. Development outside the Settlement Boundary within the AONB</b>  <b>In the AONB, development outside the defined Brampton Abbots Settlement Boundary will be restricted in its scale, type and distribution so as to conserve the landscape and scenic beauty of the AONB and meet the following circumstances in addition to those referred to in a-d above:</b></p> <p><b>e. The Core Strategy growth target has not been met; and</b></p> <p><b>f. Such development adjoins the Settlement Boundary, does not significantly reduce the gaps between the settlement boundaries and conserves the road sided linear, dispersed settlement pattern of the built-up area.</b></p> <p><b>3. Development outside the Settlement Boundary and not within the AONB</b>  <b>New housing development in those areas outside the defined Brampton Abbots Settlement Boundary and not in the AONB will be subject to the provisions of Herefordshire Local Plan Core Strategy Policy RA3 “Herefordshire’s Countryside”.</b></p>	<p>Residential density will be determined by local character and good quality design. The target net density across the county is between 30 and 50 dwellings per hectare, although this may be less in sensitive areas.</p> <p>The broad distribution of new dwellings in the county will be a minimum of:</p> <p>Place: Rural settlements – see list in Place Shaping section</p> <p>Facilities: More limited range of services and some limited development potential but numerous locations</p> <p>New homes: 5,300.</p> <p><b>Policy RA1 – Rural housing distribution</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</p>	<p>distribution; and Policy RA2 which includes criteria for new development in identified settlements, including Brampton Abbots.</p>

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity						
	<p>that different areas of Herefordshire have different 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="0"> <tr> <td><b>Rural HMA</b></td> <td><b>Ross on Wye</b></td> </tr> <tr> <td><b>Approximate number of dwellings 2011 - 2031</b></td> <td><b>1150</b></td> </tr> <tr> <td><b>Indicative housing growth target (%)</b></td> <td><b>14%</b></td> </tr> </table> <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,</p>	<b>Rural HMA</b>	<b>Ross on Wye</b>	<b>Approximate number of dwellings 2011 - 2031</b>	<b>1150</b>	<b>Indicative housing growth target (%)</b>	<b>14%</b>	
<b>Rural HMA</b>	<b>Ross on Wye</b>							
<b>Approximate number of dwellings 2011 - 2031</b>	<b>1150</b>							
<b>Indicative housing growth target (%)</b>	<b>14%</b>							

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	<p>improve facilities and infrastructure and meet the needs of the communities concerned.</p> <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 contributes to or is essential to the social well-being of the settlement concerned;</li> <li>2. Their locations make best and full use of suitable brownfield sites wherever possible;</li> <li>3. They result in the development of high quality, sustainable schemes which are</li> </ol>	



Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	<p>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><b>Figure 4.14: The settlements which will be the main focus of proportionate housing Development</b></p> <p><b>Ross-on-Wye:      Brampton Abbotts</b></p>	
<p><b>POLICY BAF2 – GOOD QUALITY DESIGN</b></p> <p><b>All development proposals within the Neighbourhood Development Plan area will be expected to demonstrate that they:</b></p> <p><b>a)      Exploit existing infrastructure, or provide adequate new infrastructure to serve the needs of the development so as to ensure that the development does not have a</b></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</p>	<p>Policy BAF2 is in general conformity with the principles set out in HLPCS Policy SS6 that seek to promote environmental quality and distinctiveness. Policy BAF2 provides locally specific guidance to ensure new design is sensitively integrated into the existing rural landscape.</p> <p>Policy BAF2 is also in general conformity with Policy LD1 of the HLPCS in that it seeks to provide more local guidance so that:</p>

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>negative impact on existing infrastructure; and</b>  <b>b) They do not have a significant adverse impact on the amenity of existing and future occupiers of the development and neighbouring properties.</b></p> <p><b>The Neighbourhood Development Plan area has a distinctive and special character, most of it being within the highly-valued landscape of the Wye Valley AONB. New development should make a positive contribution to this distinctive and special character and highly valued landscape by being of good quality design when assessed in relation to the following criteria:</b></p> <p><b>a. Contribution to local identity and sense of place;</b>  <b>b. Suitability of the overall design and appearance of the development (including size, scale, density, layout, access,) when assessed in relationship with surrounding buildings, spaces, vegetation, water areas and other features of the surrounding area;</b>  <b>c. Use, and where appropriate re-use, of local and traditional materials or suitable artificial alternatives. Standardised materials and products should be avoided;</b>  <b>d. Use of space and landscape design;</b></p>	<p>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> <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>• the 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; and</li> <li>• new development incorporates landscape design to ensure development integrates appropriately into its surroundings.</li> </ul> <p>Policy BAF2 is also in general conformity with HLPCS Policy SD1 – Sustainable Design and Energy Efficiency. Both of these policies seek to create safe, sustainable, well integrated environments for all members of the community. Policy BAF2 does not repeat or duplicate Policy contained in HLPCS Policy SD1 but provides more detailed neighbourhood area policy.</p>

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>e. Protection and enhancement of woods, trees, hedgerows, rivers, ditches and water features;</p> <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>• 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><b>Policy SD1 – Sustainable Design and Energy Efficiency</b></p>	

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	<p>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>	

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	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>	

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	<p>All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.</p>	
<p><b>POLICY BAF3 – PROTECTING LOCAL NON-DESIGNATED HERITAGE ASSETS</b></p> <p><b>Development proposals should conserve and enhance local non-designated heritage assets and their setting in a manner appropriate to the identified asset’s significance. In particular, Development proposers should take account of the following non-designated heritage assets:</b></p> <p><b>a) Those identified in the Herefordshire Historic Environment Record;</b>  <b>b) Such assets that are linked to the social and economic (e.g. agricultural and railway) history of the Neighbourhood Development Plan area; and</b>  <b>c) Non-designated heritage assets that have a particular significance in the wider landscape setting of the Neighbourhood Development Plan area.</b></p>	<p>Policy LD4 – Historic Environment and Heritage Assets</p> <p>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> </ol>	<p>Policy BAF3 is in general conformity with HLPCS Policy LD4 that seeks to “protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance”. Policy BAF3 sets policy affecting those non-designated heritage assets on the Herefordshire Historic Environment Record and other non-designated assets having a significance to the neighbourhood area. These assets are identified in Appendix 1 of the NDP. Although it should be noted over the plan period other non-designated heritage assets may be identified that will also be protected by Policy BAF3.</p>

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	<p>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.</p> <p>5. where appropriate, improve the understanding of and public access to the heritage asset.</p> <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 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 BAF4 – LANDSCAPE AND SCENIC BEAUTY</b></p> <p><b>Within the Neighbourhood Development Plan area, but particularly within the area of the Wye Valley AONB development must conserve and enhance the area’s landscape scenic beauty and wildlife. Development proposals will be assessed against the following:</b></p> <p><b>a) Within the settlements and countryside of the AONB their ability to</b></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</p>	<p>NDP Policy BAF4 requires development to conserve and enhance the area’s landscape, particularly within the AONB.</p> <p>This is in general conformity with Core Strategy Policy SS6 which requires development proposals to conserve and enhance environmental assets, including the AONB, and Policy LD1 which provides broad, strategic criteria to protect landscape and townscape at a Herefordshire level.</p>

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>conserve and enhance the scenic and natural beauty of the Neighbourhood Development Plan area and in those areas not within the AONB their degree of impact on the AONB, where identified, and their impact on the wider landscape;</b></p> <p><b>b) Impact on views within the Neighbourhood Development Plan area including, but not limited to, those of the Neighbourhood Development Plan area’s settlements, and along the River Wye Valley, together with those to Ross-on-Wye, and views of Goodrich Castle, Hay Bluff and May Hill. Where appropriate impact on views should be identified and assessed in a Landscape Visual Impact Assessment. Where a negative impact is identified, suitable mitigation should be acceptable but only in circumstances where it reduces the impact to a minimal level and enhances landscape features;</b></p> <p><b>c) The conservation and management of mature trees, hedgerows, orchards, water meadows, ponds and other water features;</b></p> <p><b>d) Proposals should be of a scale and designed so that they retain the dispersed and road side linear settlement pattern of the Neighbourhood Development Plan area as it sits within the wider, most valued landscape and do not change the character and distinctiveness of the area;</b></p>	<p>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> <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>The management plans and conservation objectives of the county’s international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites,</p>	



Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>e) Conservation of the scenic beauty and tranquillity of the AONB;</p> <p>f) Mitigation of lighting to limit light pollution and retain the Neighbourhood Development Plan area’s dark skies; and</p> <p>g) Conservation, where appropriate, and enhancement of wildlife.</p>	<p>defining local distinctiveness in other development plan documents, Neighbourhood Development Plans and Supplementary Planning Documents should inform decisions upon proposals.</p> <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</li> </ul>	

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	new planting to support green infrastructure.	
<p><b>POLICY BAF5 – TO SUPPORT THE GROWTH OF SMALL-SCALE RURAL BUSINESSES</b></p> <p><b>Proposals for the development of small-scale business enterprises suitable to a rural area such as this where there is a lack of facilities/infrastructure that take account of the road system will be supported when they do not have a significant adverse impact on the valued landscape (AONB) or rural character of the Neighbourhood Development Plan area, its residential amenity, infrastructure or traffic (both volume and size) or tranquillity and they are for the following:</b></p> <p><b>a. Conversion or reuse of an existing building where the building is suitable for such a conversion without rebuilding or disproportionate extensions;</b></p> <p><b>b. Homeworking proposals requiring planning permission;</b></p> <p><b>c. Live/work units in existing buildings or within the defined Brampton Abbots Settlement Boundary (Policies Map, Figure 6);</b></p> <p><b>d. Small-scale proposals for the expansion or diversification of an existing rural business use (non-agricultural); and</b></p> <p><b>e. The proposal is acceptable when assessed against Policies BAF2, BAF3 and</b></p>	<p><b>Policy RA6 - Rural Economy</b></p> <p>Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:</p> <ul style="list-style-type: none"> <li>• support and strengthen local food and drink production;</li> <li>• support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses;</li> <li>• involve the small scale extension of existing businesses;</li> <li>• promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism;</li> <li>• promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced;</li> <li>• support the retention of existing military sites;</li> </ul>	<p>Policy BAF5 is in general conformity with Policy RA6 of the HLPCS. Both policies seek to support diversification of the rural economy. Policy BAF5 provides more detailed local development management policy that complements that in Policy RA6, namely that:</p> <ul style="list-style-type: none"> <li>• development takes account of the impact on the AONB; and</li> <li>• impact on specific characteristics of the area, such as the limited facilities and infrastructure.</li> </ul> <p>Policy BAF5 also supports specific forms of economic development appropriate to this rural area: conversions, homeworking and live/work units.</p>

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>BAF4 of this Neighbourhood Development Plan.</b></p>	<ul style="list-style-type: none"> <li>• support the retention and/ or diversification of existing agricultural businesses;</li> </ul> <p>Planning applications which are submitted in order to diversify the rural economy will be permitted where they;</p> <ul style="list-style-type: none"> <li>• ensure that the development is of a scale which would be commensurate with its location and setting;</li> <li>• do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;</li> <li>• do not generate traffic movements that cannot safely be accommodated within the local road network and</li> <li>• do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.</li> </ul>	
<p><b>POLICY BAF6 - POLYTUNNELS</b></p> <p><b>Within those parts of the Neighbourhood Development Plan area that are within the Wye Valley Area of Outstanding Natural Beauty (AONB), when planning permission is required for polytunnels and their ancillary development, such development will be restricted to protect the landscape and scenic beauty of this area.</b></p>	<p>No directly relevant HLPCS policy.</p>	<p>The HLPCS does not provide detailed development management policy on polytunnels. There is no general conformity issue. It is noted that the Herefordshire Council Environment Report (August 2019) states that:</p> <p><i>“This Policy is not over and above the Core Strategy in terms of SEA objectives and would have a positive impact on the SEA baseline</i></p>

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>Where proposals for polytunnels and ancillary works are considered to be major development such proposals will only be allowed in exceptional circumstances: where it can be demonstrated that such major development is in the public interest when assessed against the criteria in national planning policy paragraph 172.</p>		<p><i>objectives through the management of polytunnels within the area. Policy safeguards within the NDP and Core Strategy will help to alleviate impact caused from the use of polytunnels in line with NPPF Para 172</i></p>
<p><b>POLICY BAF7 – COMMUNITY FACILITIES AND OPEN SPACES</b></p> <p>The community facilities listed below and shown on Figures 7, 8, 9 and 10 will be protected:</p> <ul style="list-style-type: none"> <li>• <b>Brampton Abbotts Village Hall</b></li> <li>• <b>St Michael and All Angel Church, Brampton Abbotts</b></li> <li>• <b>St Mary’s Church, Foy</b></li> <li>• <b>Foy Bridge, Foy</b></li> <li>• <b>Jubilee triangle open space and seating area</b></li> </ul> <p>Development assessed to be in line with other policies in this Neighbourhood Development Plan that would enhance or improve these facilities, or in the case of St Michael &amp; All Angel Church would bring the Church back to a place of worship with a</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>NDP Policy BAF7 protects the neighbourhood area’s 5 community facilities for community type uses and supports investment to improve local provision, in particular at St Michaels and All Angels Church.</p> <p>This Policy is in general conformity with Core Strategy Policy SC1 which sets out that existing facilities should be retained unless certain criteria are addressed and supports proposals which enhance existing provision.</p>

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>certain level of commercial activity to fund it which would complement the Village Hall, will be supported subject to compliance with BAF2, BAF3 and BAF4.</b></p> <p><b>Development leading to the loss of these community facilities and open space will only be supported when equivalent, or better, provision is made within the Neighbourhood Development Plan area; and / or the Development proposer can clearly demonstrate that such a use is no longer suitable for a community facility or such a facility is no longer needed by the local community.</b></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>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> <p>The provision or improvement of higher education facilities and the continuing enhancement of existing, or provision of new, training and skills facilities will be actively promoted.</p>	
<p><b>POLICY BAF8 – THE MANAGEMENT OF TRAFFIC SAFETY AROUND THE NEIGHBOURHOOD DEVELOPMENT PLAN AREA</b></p> <p><b>To minimise the impact of traffic and to create a safer environment for all road users,</b></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 MT1 of the HLPCS seeks to manage traffic, improve highway safety and promote active travel. Policy MT1 identifies a set of requirements for development proposals in relation to movement and transportation.</p> <p>Complementing Policy MT1, Policy BAF8 of the NDP identifies three areas within the NDP area</p>

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>improvements to the following areas will be supported:</b></p> <ul style="list-style-type: none"> <li>• <b>Gatsford Crossroads (Figure 11a)</b></li> <li>• <b>Rudhall Crossroads (Figure 11b)</b></li> <li>• <b>Junction at Oak House, Ross Road (Figure 11c)</b></li> </ul> <p><b>Planning proposals that would lead to further increases in traffic at these locations and other traffic management issues will be resisted unless suitable mitigation is identified.</b></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 quality value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where</li> </ol>	<p>where specific traffic management and road safety measures will be supported. Policy BAF8 also seeks to resist development affecting these areas unless suitable mitigation is proposed.</p> <p>Policy BAF8 is in general conformity with HLPCS Policy MT1 and provides more detailed local development management policy.</p>

Brampton Abbots and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	<p>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 BAF9 - PUBLIC SEWERAGE NETWORK AND WASTEWATER TREATMENT WORKS (WwTW)</b></p> <p><b>Development that may result in the capacity of the public sewerage network and/or the Ross-on-Wye wastewater treatment works (WwTW) becoming overloaded will not be supported.</b></p> <p><b>In either of these instances, development will need to be phased or delayed until capacity becomes available, either through DCWW regulatory investment or, in advance of this, through the developer funding the improvements themselves via the provisions</b></p>	<p><b>Policy SD4 - Wastewater treatment and river water quality</b></p> <p>Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate</p>	<p>Policy BAF9 is in general conformity with Policy SD4 of the HLPCS that seeks to ensure water quality targets within the County, especially those impacted on by the treatment of waste water are not undermined.</p> <p>Policy BAF9 seeks to ensure that capacity at the Ross-on-Wye wastewater treatment works (WwTW) is not overloaded. Policy BAF9 seeks to phase or delay such development until such a time as the capacity issues at the WwTW are addressed. Addressing such capacity issues will help to support the objectives of HLPCS Policy SD4.</p>

Brampton Abbotts and Foy NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p><b>of the Water Industry Act (1991) and/or section 106 of the Town and Country Planning Act (1990).</b></p>	<p>the adverse effects of wastewater discharges into rivers caused by the development.</p>	
<p><b>POLICY BAF10 – HIGH SPEED INTERNET AND COMMUNICATIONS</b></p> <p><b>The development of new high-speed broadband infrastructure to serve the Neighbourhood Development Plan area will be supported where it is sympathetically designed and suitably camouflaged.</b></p> <p><b>All new residential and commercial development will be required to facilitate the provision of infrastructure to support high speed broadband.</b></p>	<p><b>Policy ID1- Infrastructure Delivery</b></p> <p>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 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.</p> <p>A Planning Obligations Supplementary Planning Document (SPD) will provide details of the type and scale of obligations that may apply.</p>	<p>The HLPCS has no specific policy for high speed internet and communications. However, The HLPCS does seek to improve access to high speed broadband in order to improve economic prosperity (HLPCS Objective 6) and to improve access to services and for the benefits it can help secure in terms of movement within the County.</p> <p>Policy ID1- Infrastructure Delivery of the HLPCS seeks to support the provision of new and/or the enhancement of existing infrastructure to support development and sustainable communities. Policy BAF10 of the NDP is in general conformity with HLPCS Policy ID1 and provides more detailed local development management policy to support improvements to high-speed broadband infrastructure where is sympathetically designed and camouflaged to protect this sensitive rural area.</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.

The Environmental Report for Brampton Abbots and Foy Neighbourhood Area was published by Herefordshire Council in August 2019 based on the Draft Regulation 16 Submission Plan. The non-technical summary (p1) sets out that:

*"The draft Brampton Abbots and Foy Parish NDP includes 6 main objectives and it is intended that these objectives will be delivered by 10 criteria based planning policies.*

*The environmental appraisal of the Brampton Abbots and Foy Parish NDP has been undertaken in line with the Environmental Assessment of Plan and Programmes Regulations 2004. Stage A of the SEA process involved Scoping and Stage B provided a review and analysis of the NDP. Stage C involved preparing an Environmental Report and Stage D comprises a formal consultation on both this and the draft plan itself.*

*Habitat Regulations Assessment (HRA) screening has been carried out as the Parish falls within the catchment for the River Wye (including River Lugg), and is within the River Lugg, is within 10km of the Wye Valley & Forest of Dean Bat Sites SAC (5.8km away) and within 10km of the Wye Valley Woodlands SAC (10km away). The HRA assesses the potential effects of the NDP on the River Wye (including River Lugg) SAC Wye Valley & Forest of Dean Bat Sites SAC and Wye Valley Woodlands SAC.*

*On the whole, it is considered that the Brampton Abbots and Foy Parish 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). Parish Councillors will welcome the conclusion as to general conformity. It also does it (sic) [not] propose any growth that would be over and above that prescribed by strategic policies.*

*Taking into consideration the cumulative effects of policies, options and sites, the plan will have an overall positive impact on environmental assets. The plan is in general conformity with the Core Strategy overall and all of the policies and objectives meet the Core Strategy requirements for the purposes of the SEA. Other issues with a current uncertain or neutral outcome have the opportunity to be mitigated by further detail in policies or at planning stage.*

*Overall the plan is positive and would have a positive impact upon the SEA baseline data. Key recommendations would be to ensure that the environmental mitigation impacts are clear and robust, this may require some enhancement of existing policies in regard to air quality and water resources.*

*However the plan as a whole is robust and meets key targets, the unknown areas require further detail such as location, scale and size of development, therefore are likely to be determined at planning application/ proposal stage. No significant cumulative effects have been identified."*

The full report is published on the NDP website and Herefordshire Council's webpages for Brampton Abbots and Foy NDP and is submitted with this statement.

#### **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.

The Habitats Regulations Assessment Regulation 16 Report for Brampton Abbots and Foy Neighbourhood Area (submitted alongside this statement) was published by Herefordshire Council in August 2019. In Section 3 Methodology the report sets out that "*as the Brampton Abbots and Foy NDP is not directly connected with the management of any European sites, and includes proposals for development which may affect European sites, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant effects on European sites.*"

Section 4 Results of the HRA Screening Report and options advises in 4.1 that "*The initial Screening report (29/01/13) found that the Neighbourhood Area is in the hydrological catchment of the River Wye (including the River Lugg) SAC, Wye Valley & Forest of Dean Bat Sites SAC and Wye Valley Woodlands SAC. Therefore a full screening assessment is required.*"

The full HRA concludes in Section 9. that " ***The draft Brampton Abbots and Foy NDP will not have a likely significant effect on the River Wye SAC (including Lugg), Wye Valley and Forest of Dean Bat Sites SAC, 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.



**Brampton Abbots and Foy Group Parish Council**

**August 2019**

With assistance from

