

Kington Area Neighbourhood Plan 2011– 2031

Basic Conditions Statement

August 2018

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1. Introduction

- 1.1 The Kington Area Neighbourhood Plan (KANP) covers the areas of Kington Town Council, Kington Rural and Lower Harpton Group Parish and Huntington Parish (“the Town/Parish Council’s”). This Basic Conditions Statement sets out how, in producing the KANP, the Town/Parish Council’s have complied with the basic conditions and legal requirements set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by sections 38A of the Planning and Compulsory Purchase Act 2004.
- 1.2 This Statement has been prepared by Kington Town Council, Kington Rural and Lower Harpton Group Parish and Huntington Parish to accompany its Regulation 16 draft Neighbourhood Plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 and demonstrates that the KANP meets legal requirements and the prescribed basic conditions.
- 1.3 The Statement confirms that:
- the legal requirements have been met (section 2)
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan (section 4)
 - the NDP contributes to sustainable development (section 7)
 - the NDP is in general conformity with the strategic policies contained in the relevant development plan, the Herefordshire Local Plan Core Strategy (section 8)
 - the NDP does not breach and is otherwise compatible with EU obligations, and its making is not likely to have a significant effect on a European site, either alone or in combination with other plans or projects (section 9).

2. Legal Requirements

The legal requirements for preparing a Neighbourhood Plan are set out below:

2.1 *The Neighbourhood Plan is submitted by a qualifying body*

The Town/Parish Councils are qualifying bodies as defined by section 61G (2) of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c.20)).

2.2 *Designated Area*

The Town/Parish Council areas' were designated as a Neighbourhood Area by Herefordshire Council on 13 November 2013 (see Appendix 1 for the Herefordshire Council designation letter and Appendix 2 for a map of the Designated Area). The KANP only relates to the Designated Area and there are no other Neighbourhood Development Plans in place within the Designated Area.

2.3 Qualifying Body

The Kington Town Council, Kington Rural and Lower Harpton Group Parish and Huntington Parish are qualifying bodies.

2.4 Plan Period

The Neighbourhood Plan covers the plan period 2011 to 2031 and aligns with the adopted Herefordshire Core Strategy 2011 – 2031.

2.5 The Neighbourhood Plan sets out policies relating to the use and development of land

The Neighbourhood Plan contains policies related to the development of land within the Designated Area which are for use in determining planning applications. The KANP has been prepared in accordance with the statutory provisions.

2.6 Excluded Policies

The Neighbourhood Plan does not contain policies relating to excluded development such as mineral and waste matters, nationally significant infrastructure projects or other prescribed development under section 61K of the Town and Country Planning Act 1990.

3 Basic Conditions

3.1 The Neighbourhood Plan must comply with the basic conditions 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.

3.2 A Neighbourhood Plan will be considered to have met the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
- it has special regard to the desirability of preserving any Listed Building or its setting or any features of Special Architectural or Historic Interest
- it has special regard to the desirability of preserving or enhancing character or appearance of any Conservation Area

- the making of the neighbourhood development plan contributes to the achievement of sustainable development;
- the making of the Neighbourhood Development 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);
- the making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations; and
- prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.

3.3 This Statement explains how the Neighbourhood Plan complies with each of these basic conditions.

4. Conformity with National Planning Policy Framework (NPPF)

- 4.1 A revised NPPF was issued by the Ministry of Housing, Communities and Local Government in July 2018, however, it is noted that plans submitted before 24 January 2019 will be examined against the 2012 version of the Framework. The KANP has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in respect of formulating neighbourhood plans.
- 4.2 Paragraphs 183 – 185 of the NPPF describe how Neighbourhood Planning can be used to give communities “direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” It continues to state that “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them”. The NDP is in general conformity with the strategic policies of the Local Plan, the adopted Core Strategy and plans positively to support them. The general conformity of the NDP with the strategic policies of the Core Strategy is set out in more detail in section 8 below.
- 4.3 Paragraphs 14 -16 of the NPPF set out the presumption in favour of sustainable development which is at the heart of national policy. For Neighbourhood Planning this means that neighbourhoods should plan positively to support local development. In addition, paragraph 16 of the NPPF sets out requirements for how communities engage in neighbourhood planning. The accompanying Consultation Statement demonstrates the comprehensive approach which has been taken to consultation and engagement through the preparation of the Neighbourhood Plan.
- 4.4 The Neighbourhood Plan has been prepared with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). The NDP reflects the core planning principles set out in the NPPF and will reflect and deliver national planning policies at the Neighbourhood Plan level.

4.5 NPPF paragraph 17 sets out twelve core planning principles, to which the NDP has had regard as set out below (Table 1).

Table 1: NPPF core planning principles

NPPF Core Planning Principle	How the Neighbourhood Plan has had regard to the guidance
<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 Neighbourhood Plan has been prepared with the involvement of local people as detailed in the Consultation Statement and has resulted in a positive and practical development framework upon which decisions on planning applications can be made. The Plan will be monitored on a regular basis as detailed in the KANP to ensure that it remains up to date.</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 engagement of local people in the preparation of the Neighbourhood Plan has provided the opportunity for the community to positively and creatively shape the future of their area. The Consultation Statement provides details of the consultation events and publicity given to the draft Neighbourhood Plan. The Neighbourhood Area will be enhanced and improved by the Neighbourhood Plan policies which ensure that the quality of the local natural and built environment is protected and enhanced whilst supporting and planning positively to meet the strategic development needs of the area.</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</p>	<p>This Neighbourhood Plan adds further detail to the strategic policies of the Herefordshire Local Plan Core Strategy and ensures that the development needs set by the Core Strategy have been met. New housing will be delivered through residential completions since 2011; planning commitments; allocations and windfall opportunities which will collectively deliver the housing requirements of the Core Strategy. Policies KANP H1-H4 provides further details on this. In addition, Policy KANP E1 is supportive of employment proposals and the protection of land at Hatton</p>

<p>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>Gardens and Hergest in line with the strategic approach. Development in Kington Town Centre is addressed in Policy KANP KTC1.</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 Neighbourhood Plan's Objective 4 seeks development to deliver the highest standard of design that will respect the scale, style and setting of the historic townscape and the rural landscape. In addition, Policies KANP H5, KANP ENV3 and KANP E1 seeks to promote good design, protect residential amenity and encourages more sustainable design.</p>
<p>Planning should take account of the different roles and character of different areas, promoting the vitality of our main 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>The Neighbourhood Plan's vision states that in 2031 the Neighbourhood Area in 2031 will be a thriving rural community with sustainable futures which are living in harmony with their valued rural environment. The Neighbourhood Plan in Policy KANP SB1 identifies settlement boundaries to enable growth whilst protecting the surrounding countryside. Policy KANP ENV 1 seeks to protect, conserve and enhance the natural environment of the Neighbourhood Area, including its landscape character and wildlife sites. In addition, KANP LGS 1 identifies Local Green Spaces with KANP G1 seeks the protection of Green Infrastructure.</p>
<p>Planning should 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>The Neighbourhood Plan encourages the inclusion of small-scale low-carbon energy initiatives through Policy KANP INF 1 and encourages the conversion of redundant rural buildings for housing (KANP H4), employment (KANP E1) and tourism (KANP T1) developments in line with strategic policy. In addition, the Plan includes proposals to improve opportunities for cycling and walking as well as a flood and drainage policy KANP ENV4.</p>
<p>Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of</p>	<p>The Neighbourhood Plan provides for the conservation and enhancement of the natural environment through policy KANP ENV1. The NDP's AECOM report and Landscape report have carefully assessed the development potential and suitability</p>

<p>land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.</p>	<p>of land for development and have helped inform the allocation of sites within the Neighbourhood Plan.</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 Neighbourhood Plan includes housing allocations which make use of previously developed sites. In addition, the conversion of existing rural buildings for housing, employment and tourism uses is supported by policies KANP H4, KANP E1 and KANP T1 in line with strategic policy.</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>The Neighbourhood Plan encourages multiple benefits from the use of land in the Neighbourhood Area through the provision of a range of land uses including housing, employment, retail and community facilities, whilst protecting the environment. Policy KANP ENV1 seeks to protect and enhance the local natural environment, KANP ENV4 addresses flood risk and drainage, KANP LGS1 identifies Local Green Spaces and KANP G1 protects and encourages new areas of green infrastructure</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>Policy KANP ENV 3 has been prepared in accordance with Policy LD4 of the Core Strategy and addresses the historic environment by identifying heritage assets including listed buildings and Kington's Conservation Area to ensure their contribution to the quality of life of future generations is secured.</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>Kington Town and Hergest are identified within Policy KG1 and Policy RA2 of the Core Strategy as sustainable locations for growth. The KANP delivers this strategic approach through policy KANP H1-H4 with development focussed within defined settlement boundaries for Kington Town and Hergest. In addition, Policy KG1 and MT1 of the Core Strategy promote schemes which enhance safe pedestrian and cycle movements. The Neighbourhood Plan reflects this strategic approach and is supportive of public transport, walking and cycling, taking account of the rural location. Provision for pedestrians and cyclists is made in policy KANP INF 1, Policy KANP E1 and KANP KTC 1 which seeks to improve walking, cycling and public transport and to improve pedestrian and cycle movement around Kington Town.</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’s vision is for the Neighbourhood Area to be a thriving rural community which has retained and enhanced the areas strong community identity and spirit with a range of community facilities serving the local community. Policy KANP CF1 supports the enhancement of existing community facilities and new provision. In addition, Policies KANP G1 and KANP LGS1 seek to protect and enhance local green spaces and a network of Green Infrastructure</p>
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5. Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest

5.1 The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Town/Parish Council’s through **Policy KANP ENV 3: A Valued Built Environment**

6. Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area

6.1 The Submission Neighbourhood Plan has paid special regard to the desirability of preserving and enhancing the character of the Kington Conservation Area through **Policy KANP ENV 3: A Valued Built Environment.**

7. Contribution to Achieving Sustainable Development

7.1 Paragraph 14 of the NPPF states that:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.”*

7.2 Paragraph 7 of the NPPF sets out three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles as follows:

- **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 and 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 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

7.3 Paragraph 16 of the NPPF states that:

“The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and*
- *identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.”*

7.4 The Neighbourhood Plan has taken a holistic approach to sustainable development which has involved working to address all three social, economic and environmental roles of planning as prescribed by the NPPF from the outset of the plan making process

7.5 The KANP seeks to ensure that sustainable development is delivered within the KANP area in accordance with the NPPF and the Herefordshire Local Plan – Core Strategy Local Plan. The Core Strategy sets out a spatial strategy to achieve sustainable development within the County based on the three themes of social progress, economic prosperity, and environmental quality. These themes reflect the three roles as defined in the NPPF. The NDP will deliver sustainable development through a balanced set of policies which address these strategic themes.

7.6 Table 2 below assesses the Neighbourhood Plan policies in terms of the economic, social and environmental aspects of sustainability. It illustrates that the Plan's policies are balanced across the three aspects and all policies include positive elements.

Table 2: Sustainable development

Sustainable development role	How the Neighbourhood Plan contributes
Economic	<p>The KANP plans positively to meet the development needs and requirements of the Herefordshire Core Strategy through the allocation of land for new housing including a sustainable extension to Kington Town (KANP H2), and through the support shown in Policy KANP E1 for new employment-generating proposals of an appropriate scale and nature as well as through the protection of existing employment sites. The NDP also supports improvements to communications and broadband infrastructure which will benefit local business and support economic activity (policy KANP INF1). Policy KANP KTC1 seeks to encourage retail, leisure, office, commercial, cultural and tourism uses to deliver a vibrant Kington town centre. Policy KANP T1 identifies a range of proposals to promote growth in the tourist economy.</p>
Social	<p>The KANP plans positively to support the delivery of sustainable social development through policies KANP H1-H4. These policies support housing schemes which provide a mix and type of dwellings to meet local housing needs including affordable housing. In addition, the KANP promotes a mix of uses in the town centre (KANP KTC1); protects important open spaces (KANP LGS1) and community facilities (Policy KANP CF1).</p>
Environmental	<p>The KANP sets out a number of policies to preserve and enhance natural and built environmental assets and promote local distinctiveness:</p> <ul style="list-style-type: none"> ▪ KANP H4 Housing Delivery Rural Areas ▪ KANP G1 Green Infrastructure ▪ KANP LGS Local Green Spaces ▪ KANP ENV1 A Valued Natural Environment ▪ KANP ENV2 Dark Skies ▪ KANP ENV 3 A Valued Built Environment

	<p>The plan identifies settlement boundaries which will protect the countryside and deliver a sustainable pattern of development which is focussed on the market town of Kington and the RA2 settlement of Hergest in accordance with the strategic policy of the Core Strategy</p> <p>The Plan also seeks to improve walking, and cycling (KANP INF 1) and promotes renewable energy (KANP INF1).</p>
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8. General conformity with the strategic Policies of the Herefordshire Local Plan – Core Strategy Plan

8.1 The Neighbourhood Plan has been written in accordance with and to support the strategic development aims of the Herefordshire Local Plan – Core Strategy, including delivery of housing and economic development, and to plan positively taking into account the local issues of the KANP area.

8.2 Table 3 below sets out how each policy is in general conformity with the Herefordshire Local Plan – Core Strategy.

Table 3: General conformity of NDP policies with strategic policies.

NDP policies	Herefordshire Local Plan Core Strategy
<p>Policy KANP ENV1 - A Valued Natural Environment</p> <p>Development proposals will be required to conserve and protect the valued, tranquil natural environment of the KANP area by:</p> <ul style="list-style-type: none"> (i) protecting and enhancing the River Arrow and the Back Brook from the impacts of development; (ii) respecting, protecting and enhancing important open spaces, views and the area’s landscape quality as identified in the <u>Characterisation Assessment</u> and 	<p>Policy KANP ENV1 is in general conformity with strategic policies LD1 <i>Landscape and townscape</i>, LD2 <i>Biodiversity and geodiversity</i>, and LD3 <i>Green Infrastructure</i>. It adds local detail by identifying natural environmental features in the Neighbourhood Area.</p>

<p>the list of ‘Cherished’ Places (see Appendices 4, 5 & 6);</p> <p>(iii) respecting topography and not break the skyline, whether the development be residential, agricultural or industrial;</p> <p>(iv) conserving, protecting and enhancing local habitats and areas of biodiversity value;</p> <p>(v) conserving and protecting woodlands and smaller stands of native trees;</p> <p>(vi) conserving and protecting mature trees and hedgerows and incorporating these features into landscaping schemes;</p> <p>(vii) planting a high proportion of native tree/hedge species within any new development;</p> <p>(viii) protecting and enhancing local orchards from development;</p> <p>(ix) protecting existing geodiversity.</p>	
<p>Policy KANP ENV 2 – Dark Skies</p> <p>To reduce light pollution and to improve the views of our night-time skies, planning proposals that include external lighting will have to demonstrate the following:</p> <ul style="list-style-type: none"> • the nature of the proposed lighting is appropriate for its use and location and has minimal impact; • the proposed lighting does not materially alter light levels outside of the development which will adversely affect the use or enjoyment of nearby buildings or open spaces; • the proposed lighting does not impact upon highway safety within the locality; 	<p>This policy is in general conformity with criterion 4 of Core Strategy policy SD1 <i>Sustainable design and energy efficiency</i> and LD1 <i>Landscape and townscape</i>.</p>

<ul style="list-style-type: none"> • the proposed lighting does not have a significant impact on protected species or wildlife within the locality. 	
<p>Policy KANP ENV3 - A Valued Built Environment</p> <p>Development proposals will be required to conserve, protect and where possible enhance the heritage assets and the wider historic environment of the Kington KANP area by:</p> <ul style="list-style-type: none"> (i) demonstrating that the proposed development does not substantially harm designated heritage assets; (ii) where proposals lead to less than substantial harm to the heritage asset this should be weighed against the public benefits of permitting them; (iii) presenting a balanced judgement of the scale of harm to, and significance of, non-designated heritage assets; (iv) respecting and conserving both individual buildings and groups of buildings with functional connections; (v) respecting, conserving and where possible enhancing the setting of nationally and locally historically significant buildings and registered heritage assets; (vi) taking every opportunity through design and materials to reinforce local distinctiveness and a 	<p>Policy KANP ENV3 is in general conformity with strategic policy LD4 <i>Historic environment and heritage assets</i>. It adds local detail by identifying heritage assets in the Neighbourhood Area including the Kington Conservation Area.</p>

<p>strong sense of place incorporating local heritage features as set out in Appendix 3;</p> <p>(vii) conserving and enhancing the significance of the Kington Town Conservation Area such that it can be removed from the national Heritage at Risk Register;</p> <p>(viii) conserving and respecting the historic Burgage walls of Kington Town and acknowledging them as non-designated heritage assets;</p> <p>(ix) taking full account of known surface and sub-surface archaeology and ensuring unknown and potentially significant deposits are identified and appropriately considered during development after consultation with the Historic Environmental Record (HER). Lack of current evidence of sub-surface archaeology must not be taken as proof of absence.</p>	
<p>Policy KANP SB1 - Settlement Boundaries: Kington Town and Hergest</p> <p><u>Kington Town</u></p> <p>In accordance with Policy KG1 of the Core Strategy and to meet the housing needs of all sections of the community, the settlement of Kington will accommodate around 200 new homes during the plan period. To deliver this growth a Settlement Boundary has been defined for Kington Town as shown in Plan 1. Development proposals will be directed to sites that fall within this boundary in accordance with other relevant policies of this Plan.</p>	<p>Policy KANP SB1 is in general conformity with strategic policies SS2 <i>Delivering new homes</i>, KG1 <i>Development in Kington</i>, RA2 <i>Housing in settlements outside Hereford and the market towns</i>, and RA3 <i>Herefordshire's countryside</i>. It adds local detail by defining a settlement boundary for Kington and Hergest.</p>

Hergest

In accordance with Core Strategy Policy RA2, the settlement of Hergest will act as a focus for development to meet the needs of Kington Rural & Lower Harpton Group Parish and to contribute to the target set for the Kington Housing Market Area. To deliver this growth a Settlement Boundary has been defined for Hergest as shown in Plan 2. Development proposals will be directed to sites that fall within this boundary in accordance with other relevant policies of this Plan.

Rural Areas

Outside the two defined settlement boundaries, housing proposals will need to comply with Herefordshire Core Strategy policies: Policy H2 - Rural Exception Sites, Policy RA3 - Dwellings in Herefordshire's Countryside, Policy RA4- Agricultural, Forestry and Rural Enterprise Dwellings, and Policy RA5 - Re-use of Redundant Rural Buildings.

Policy KANP H1 - Housing Delivery: Kington Town

The KANP will provide for around 200 new homes to meet the housing needs of the market town of Kington over the plan period between 2011 and 2031.

New housing proposals will be supported on sites that lie within the defined Settlement Boundary for Kington in accordance with other relevant policies of this Plan.

The affordable housing needs of the Town will be provided in accordance with Policy H1 and H2 of the Core Strategy.

Policy KANP H1 is in general conformity with strategic policy KG1 *Development in Kington* which identifies Kington to accommodate around 200 homes over the plan period as well as policies H1 *Affordable housing – thresholds and targets*.

KANP H1 supports this strategic policy and sets more detailed local planning policy for housing development including how the requirement of around 200 homes will be delivered within Kington over the plan period to 2031. This will be through commitments, windfall opportunities and housing allocations which will deliver of a mix of homes including affordable homes.

New housing will be delivered through:

- dwellings which have been constructed or have planning consents granted since 2011
- windfall opportunities delivered on appropriate infill sites within the settlement boundary
- 7 sites allocated for residential development in Kington Town to provide a range and mix of houses

Where viable, developments will be expected to contribute financially to all s106, CIL (Community Infrastructure Levy) and local infrastructure requirements.

The following sites have been allocated in the KANP as shown on Plan 1:

- K1 – Land on Greenfield Drive, 2 dwellings
- K2 (3) – Land to the Corner of Llewellyn Road and Garden Close, 4 dwellings and garages
- K3 (5) – Site off Victoria Road, 10 dwellings
- K4 (8) – Old Wesleyan Chapel, Crabtree Lane, 10 dwellings
- K5 (9) – Field adjacent to Mill Street, 15 dwellings
- K6 (12) and K7 (13) – Land South of Kington, 100 dwellings

**** Figures in brackets are those used in earlier documents and in the attached assessment reports**

Policy KANP H2- Housing Delivery: Land South of Kington

A comprehensive development proposal on Land South of Kington, which delivers a sustainable extension to Kington

Policy KANP H2 identifies land south of Kington as an urban extension.

Town, will be supported subject to meeting the following requirements:

- (i) Development of around 100 new homes, at an average of approximately 20 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of Policy H3 of the Core Strategy and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment. 35% of the total number of dwellings must be affordable housing to meet the requirements of Policy H1 of the Core Strategy and to be retained in perpetuity.**
- (ii) A proportion of dwellings to meet life-time homes standards and the needs of the age profile of the local population.**
- (iii) Provision of vehicular access arrangements which meets the requirements of the Herefordshire Highways Design Guidance. If access is designed from Old Eardisley Road and adjacent to the north end of Kington Park Amenity land the access road should be edged with a substantial fence and hedgerow on its south side.**
- (iv) A development that is led by a landscape strategy to minimise impact on the environmental setting of Kington.**
- (v) Retention and enhancement of existing hedgerows and trees and the widening of hedgerows and some tree planting to the west, east and south of the site.**
- (vi) Development of bespoke, high-quality and inclusive design that contributes to the distinctiveness of this part of Kington.**
- (vii) New green infrastructure, together with walking and**

Policy KANP H2 is in accordance with strategic policy KG1 *Development in Kington* which requires an NDP to allocate sites to meet the required housing growth within Kington.

In addition, Policy KANP H2 supports Core Strategy Policies H1 *Affordable housing*, H3 *Ensuring an appropriate range and mix of housing*, SD3 *Sustainable water management and water resources*, SD4 *Waste water treatment and river water quality*, and MT1 *Traffic management, highway safety and promoting active travel*.

The policy provides additional local detail against which planning applications will be assessed.

<p>cycling links from the development to the town centre as illustrated in Diagram 1.</p> <ul style="list-style-type: none"> (viii) Footpath connections to allow pedestrian access onto Kingswood Road. (ix) Sustainable standards of design and construction. (x) A comprehensive sustainable drainage system which includes measures to manage ground and surface water drainage and safeguard against increased flood risk and complies with SD3 of the Core Strategy. (xi) Connection to the mains water infrastructure network to comply with SD4 of the Core Strategy. (xii) Maximum use of permeable surfaces. (xiii) Provision of open access amenity/playground space. (xiv) Minimal use of external artificial lighting. <p>The scheme will be expected to engage and consult with the community and Town and Parish Councils and, where viable, to meet all s106 and CIL requirements.</p>	
<p>Policy KANP H3 - Housing Delivery: Hergest</p> <p>Development proposals will be supported that provide a minimum of 32 new homes to meet the housing needs of the Kington Rural and Lower Harpton Group Parish and will contribute to the wider housing market area over the plan period between 2011 and 2031.</p> <p>New housing will be delivered through:</p>	<p>Policy KANP H3 supports strategic policies RA2 <i>Housing in settlements outside Hereford and the market towns</i>, H1 <i>Affordable housing</i>, and H3 <i>Ensuring an appropriate range and mix of housing</i>.</p> <p>Hergest is identified in Policy RA2 of the Core Strategy as a settlement where proportionate housing is appropriate. KANP H3 allocates a site to meet the housing requirements as laid out within the Core Strategy.</p> <p>KANP H3 adds local detail by allocating a site for new housing and setting out a series of planning requirements</p>

- dwellings which have been constructed or have planning consent;
- windfall opportunities delivered on appropriate infill sites within the settlement boundary of Hergest;
- windfall developments on sites outside the settlement boundary of Hergest which meet Policy RA3, RA4 and RA5 of the Core Strategy

In addition, and in accordance with Policy RA2 of the Core Strategy, Land North of Arrow View, Hergest (KR1), as shown on Plan 2, is allocated for a residential development of approximately 15 houses. This scheme will be expected to:

- (i) deliver a landscape and ecology led development and
- (ii) provide a range and mix of houses to meet local housing requirements including affordable homes in accordance with Policy H1 of the Core Strategy and
- (iii) meet sustainable standards of design and construction and
- (iv) provide an amenity playground space and
- (v) include minimal use of external lighting and
- (vi) deliver a comprehensive sustainable drainage system to comply with SD3 of the Core Strategy and

- (vii) deliver connection to the mains water infrastructure to comply with SD4 of the Core Strategy and
- (viii) retain and enhance the southern boundary hedgerow and
- (ix) deliver a pedestrian and cycle shared path on the inside of the southern boundary hedgerow and
- (x) deliver satisfactory vehicular access in conformity with Herefordshire Highways Design Guidance,

The affordable housing needs of the Group Parish will be provided in accordance with Policy H1 and H2 of the Core Strategy.

Proposals will need to comply with Policy KANP H5: Housing Design Criteria

Subject to viability considerations, developments will be expected to financially contribute to all required s106 and CIL requirements. Financial contributions to highway improvements for a safe, shared pedestrian and cycle route between Hergest and Kington will be strongly supported to enhance road safety. All financial contributions sought will need to be CIL compliant.

<p>Policy KANP H4 - Housing Delivery: Rural Areas</p> <p>In the rural parish of Huntington new homes will be supported only where they comply with Herefordshire Core Strategy policies on rural exception sites (Policy H2), dwellings in Herefordshire’s countryside (Policy RA3), agricultural, forestry and rural enterprise dwellings (Policy RA4), and the re-use of rural buildings (Policy RA5).</p> <p>Proposals will need to comply with Policy KANP H5: Housing Design Criteria</p>	<p>Policy KANP H4 is in general conformity with the following strategic policies, Policy RA3 <i>Herefordshire’s countryside</i>, RA4 <i>Agricultural, forestry and rural enterprise dwellings</i> and RA5 <i>Re-use of rural buildings</i> of the Core Strategy.</p>
<p>Policy KANP H5 - Housing Design Criteria</p> <p>All housing proposals will need to:</p> <ul style="list-style-type: none"> (i) Be of a high-quality design, in keeping with the immediate surroundings, respect and where possible enhance the natural, built and historic environment of the Neighbourhood Plan Area including the Kington Conservation Area; (ii) Take every opportunity to incorporate local heritage features, materials and traditions to reinforce local distinctiveness and provide a strong sense of place. Stone, timber cladding or rendered walls and slate roofs will be preferred to large areas of dark or bright red brick. For Kington Town, local heritage features have been defined and are provided at 	<p>Policy KANP H5 is in general conformity with strategic policy SD1 <i>Sustainable design and energy efficiency</i>, MT1 <i>Traffic management, highway safety and promoting active travel</i>, LD1 <i>Landscape and townscape</i>, LD4 <i>Historic environment and heritage assets</i>, SD3 <i>Sustainable water management and water resources</i>, SD4 <i>Waste water treatment and river water quality</i>.</p> <p>The policy provides additional local detail against which planning applications will be assessed.</p>

Appendix 3 of this Plan;

- (iii) Protect important open spaces, views, biodiversity and landscape setting and where possible enhance landscape quality and include multi-functional green infrastructure;**
- (iv) Be of a scale, form and layout which meets local housing need, complements the character of the area and protects residential amenity;**
- (v) Provide new homes which comply with or are better than The Greater London Authority Space Standards (2006);**
- (vi) Include energy efficient measures, renewable energy generation and deliver sustainable design including water conservation measures;**
- (vii) Include safe access, sufficient vehicle parking provision for users and cycle storage in conformity with Herefordshire Highways Design Guidance;**
- (viii) Supply all dwellings with rain-water butts and space for recycling and waste bins;**
- (ix) Provide community amenity space;**
- (x) Be located on sites that lie outside the flood zone 2 and 3 areas as defined by the Environment Agency;**
- (xi) Include appropriate sustainable urban drainage systems and flood storage measures to ensure that**

<p>any new development does not result in an increase in surface water run-off and aims to reduce existing run-off where possible;</p> <p>(xii) Connect to existing mains-water infrastructure network where possible.</p> <p>(xiii) Development proposals will need to accord with Policies SD3 and SD4 of the Core Strategy;</p> <p>(xiv) Be developed within the capacity of the local infrastructure.</p> <p>.</p>	
<p>Policy KANP E1 - A Thriving Rural Economy</p> <p>Employment land at Hatton Gardens Industrial Estate Kington, and Arrow Court Industrial Estate, Hergest will be safeguarded for employment use.</p> <p>Proposals which make better use of land at Hatton Gardens Industrial Estate and Arrow Court Industrial Estate for employment purposes will be encouraged.</p> <p>Proposals which deliver small-scale affordable employment opportunities, farm diversification opportunities as well as live-work units and home-based employment will be supported through:</p> <ul style="list-style-type: none"> • small- scale new build or workshops on sites within the defined Settlement Boundaries of Kington Town and Hergest; 	<p>Policy KANP E1 is in general conformity with strategic Core Strategy policy KG1 <i>Development in Kington</i>, Policy E1 <i>Employment provision</i>, Policy E2 <i>Redevelopment of existing employment land and buildings</i>, RA6 <i>Rural economy</i>, RA5 <i>Re-use of rural buildings</i>, and E3 <i>Homeworking</i>.</p> <p>Policy KANP E1 adds local detail in respect of the type and pattern of employment that is sought as well as the protection and better use of existing employment land including land at Hatton Gardens and Arrow Court, Hergest.</p>

- the conversion and reuse of redundant rural buildings to business use to include live-work units;
- use where possible of previously developed land/building opportunities;
- small-scale extensions to existing employment operations;
- small scale extensions to existing residential properties to enable home working;
- development and diversification of existing agricultural businesses and other land based rural businesses.

All proposals will need to ensure that they:

- protect the character and tranquility of the KANP area;
- can be safely accessed and accommodated on the local highway network;
- are of a scale and massing that is commensurate with their surroundings;
- protect residential amenity;
- protect and where possible enhance landscape quality, biodiversity, local water-courses and the historic environment;
- can be undertaken within the capacity of the local infrastructure;
- address drainage and flooding issues.

Any development shall not impact on local amenity or have any adverse impacts on the River Arrow, Back Brook and River Lugg SSSI.

All proposals must comply with Policies RA5, RA6 and Policies E1, E2, E3 and SD1,SD3 and SD4 of the Herefordshire Core Strategy.

Policy KANP E2 - Large Scale Employment Activities

Proposals for large scale (exceeding 1,000 sq m) employment activities including new agricultural developments such as intensive livestock units and extensive areas of polytunnels, and the conversion of existing livestock enterprises to intensive husbandry techniques, will only be supported where they provide detailed evidence to demonstrate that any adverse impacts can be adequately mitigated.

Large scale employment proposals will need to ensure that they:

- (i) have taken into account the sensitivity and capacity of the landscape;**
- (ii) are fully compliant with Policies KANP ENV1, ENV2 and ENV3 and will not have harmful impacts on the historic built environment, local heritage assets, and the amenity of local residents;**
- (iii) can safely accommodate the type of traffic generated from such developments into the highway network by providing adequate access and addressing highway capacity, safety, and congestion matters;**
- (iv) will not have adverse impacts on the biodiversity and ecology of the area;**

Policy KANP E2 is in general conformity with strategic Core Strategy policy E1 *Employment provision and RA6 Rural economy*.

It adds local detail in respect of the type and scale of employment that is sought balanced against protection of the natural environment.

<ul style="list-style-type: none"> (v) will not have adverse impacts on the residential amenity of neighbouring properties arising from emissions affecting air, water, light, and ambient noise levels; (vi) fully address drainage and flooding issues and are fully compliant with Policies SD3 and SD4 of the Herefordshire Core Strategy; (vii) fully address the cumulative impacts of the proposed development. 	
<p>Policy KANP KTC 1 - Kington Town Centre</p> <p>Within Kington Town Centre, development for retail, leisure, office, commercial, cultural and tourism uses will be encouraged. Development proposals should be in accordance with Policies E5 and E6 of the Herefordshire Core Strategy and retail development should, where possible, be within the boundary of the primary shopping area as defined in Map 1.</p> <p>Development proposals will be assessed against the following criteria:</p> <ul style="list-style-type: none"> (i) proposed retail developments will be located in the Primary Shopping Area. (ii) developments should not adversely affect the primary function of the town centre of Kington as a shopping destination, and be of a scale and design appropriate to the size, role, character and heritage of the centre; (iii) where new shop frontages are proposed, they will need to be in keeping with traditional shop frontages 	<p>This policy is in general conformity with Core Strategy policies KG1 <i>Development in Kington</i>, E5 <i>Town Centres</i> and E6 <i>Primary shopping areas and primary and secondary shopping frontages</i>.</p> <p>The policy provides additional local detail against which planning applications will be assessed.</p>

<p>in the Town;</p> <p>(iv) the re-use of upper floors for residential or office use will be encouraged;</p> <p>(v) distinctive and detailed features of buildings will need to be retained and enhanced;</p> <p>(vi) new developments in the town centre will need to retain the original boundaries of the burgage plots;</p> <p>(vii) business premises will need to incorporate signage which minimises use of illuminated signs and lighting and ensure that it makes a positive contribution to the street scene;</p> <p>(viii) every opportunity will be taken to seek an enhancement to the overall environment of the Kington High Street to:</p> <ul style="list-style-type: none"> a. reduce congestion and improve safety for all users b. widen walking surfaces sufficient for all users c. provide safer pedestrian crossing points linked to lanes^L_{SEP} behind the High Street and to the Primary School d. improve street appearance and amenity e. retain a route for buses and emergency vehicles in both directions f. improve vehicular visibility at junctions each end of the High Street g. provide clear definition of street surfaces for specific users h. provide for safer collections/deliveries along the High Street i. reduce traffic speeds and reinforce with traffic calming measures. 	
<p>Policy KANP T1 - Sustainable Tourism and Leisure</p>	<p>This policy is in general conformity with Core Strategy Policy E4 <i>Tourism</i>.</p>

Sustainable rural tourism proposals will be supported where they:

- are of a size and scale which respect the site context and have minimal impact on the local environment, landscape and historical heritage of the area;
- demonstrate that there will not be adverse impacts upon highway safety in the locality, and the volume and nature of traffic generated can be accommodated on the local highway network with minimal impact on existing users;
- will be accommodated through the conversion, reuse, or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option;
- can ensure that the proposed developments will integrate with their surroundings both in terms of design and layout and in the way that they will function;
- avoid any adverse impacts on adjacent land and properties through noise or nuisance;
- where possible support initiatives to improve and expand footpath, bridleway and cycle-way networks.

The policy provides additional local detail against which planning applications will be assessed.

Policy KANP INF 1 - Local Infrastructure

Proposals for mobile phone and superfast broadband infrastructure will be supported where they demonstrate that they are sensitively sited, are of a type and scale which protect local amenity and the historic and natural environment.

Policy KANP INF1 supports the delivery of strategic policies RA6 *Rural economy*, SC1 *Social and community facilities*, SD2 *Renewable and low carbon energy generation* and adds local detail in respect of pedestrian and cycle proposals in accordance with Policy MT1 *Traffic Management, highway safety and promoting active travel*.

The policy provides additional local detail against which planning applications will be assessed.

All new development proposals will need to provide on-site provision to enable access to superfast broadband.

Proposals which include the inclusion of small-scale, low-carbon energy initiatives including solar, photo-voltaic, heat pumps, grey water, water power and individual wind turbines without detrimental landscape and residential amenity impacts will be supported

Proposals which increase the capacity of the local electricity grid connection to allow for larger scale community energy generation schemes will be supported.

Development proposals will be supported where they provide safe pedestrian, cycle and vehicular access to the highway network and to local facilities especially schools and medical services.

Where the legal requirements are met, developer contributions will be sought towards meeting identified community needs, including proposals for:

- **a safe shared pedestrian and cycle pathway between the two roundabouts on the A44 to provide access to the Community Allotments**
- **a safe shared pedestrian and cycle pathway between Hergest and Kington Town centre**
- **a safe shared pedestrian and cycle crossing of the A44 into the Hatton Gardens estate**
- **a safe shared pedestrian and cycle pathway to the Kington Medical Practice (Surgery) alongside the A4111 from its junction with the A44**
- **an increase to the capacity of Kington Primary School.**

<p>If the Community Infrastructure Levy is introduced, income received will be used to meet these needs</p>	
<p>Policy KANP ENV4 - Flood risk and drainage</p> <p>All development proposals will need to provide comprehensive details to show:</p> <ul style="list-style-type: none"> (i) the development will be safe from flooding during its lifetime; (ii) will not increase flood risks elsewhere; (iii) how Sustainable Drainage Systems (SUDS) will be used to manage surface water and accord with Policy SD3 of the Core Strategy; (iv) the development will not increase run-off volumes from the site; (v) how run-off from the development will be managed to ensure that there will be no contamination of the Arrow or the Back Brook; (vi) how foul water and sewage will be managed in accordance with Policy SD4 of the Core Strategy; (vii) either, that Welsh Water can provide sufficient capacity for foul sewage or, how foul sewage will be managed in compliance with the relevant Environment Agency water quality consent. 	<p>Policy KANP ENV4 is in general accordance with strategic policies SD3 <i>Sustainable water management and water resources</i>, SD4 <i>Waste water treatment and river water quality</i>.</p> <p>The policy provides additional local detail against which planning applications will be assessed.</p>
<p>Policy KANP LGS 1- Local Green Spaces</p>	<p>Policy KANP LGS1 is in general conformity with policies OS1 Requirement for open space, sport and recreation facilities, LD1</p>

In recognition of their special recreational, wildlife, historic and setting value and their importance to the community the following areas are designated as Local Green Space and are to be protected from development as identified on Plan 1 (Kington) and Plan 2 (Hergest):

Plan 1 (Kington):

- (i) Land north-west of St Mary's Church GS02**
- (ii) Land south of the Back Brook between footbridge at Crooked Well and old bridge at Floodgates GS03**
- (iii) Kington Recreation Ground, GS04**
- (iv) Lady Hawkins School playing fields GS05**
- (v) Land at Headbrook to south of River Arrow GS06**
- (vi) Land on north side of River Arrow south of Elizabeth Road GS07**
- (vii) Crooked Well Meadow, GS08**
- (viii) Land to south of Llewelin Drive GS09**
- (ix) Land east of Kingswood Road GS10**
- (x) Fleece Meadow on north side of River Arrow GS11**
- (xi) Community Orchard to north of Park Road GS12**
- (xii) Kington Park Amenity Space, GS 17 (adjacent to K12 and K13)**
- (xiii) Tattymore: land to north of River Arrow, west of LHS playing fields GS13**

Landscapes and townscape and LD3 *Green Infrastructure* and provides local detail.

The policy provides additional local detail against which planning applications will be assessed

<p>(xiv) Kington Football Club Ground GS15</p> <p>(xv) Kington Park Amenity land GS17</p> <p>(xvi) North bank of Back Brook GS18</p> <p>(xvii) Land on north bank of Back Brook south of A44 GS19</p> <p>(xviii) Land to north of River Arrow adjacent to Bath Cottage Lane GS23</p> <p>(xix) Amenity space within Morgan’s Orchard Estate GS27</p> <p>(xx) Amenity and play space within Greenfields Estate GS30</p> <p>(xxi) Community Allotments, land to east of A44, within Parish Boundary GS31</p> <p>(xxii) Land on east, south and west borders of Land South of Kington GS32</p> <p>(xxiii) Bradnor View Road playspace GS33</p> <p>(xxiv) Floodgates GS34</p> <p>Plan 2 (Hergest):</p> <p>(xxv) Land at Hergest to the south, GSH01</p> <p>(xxvi) Land to the north of the Arrow View estate, on the north side of the road, GSH02</p>	
<p>Policy KANP GI 1 - Green Infrastructure</p>	<p>Policy KANP GI 1 is in general conformity with and adds specific local detail and guidance to Core Strategy policy LD3 <i>Green Infrastructure</i>.</p>

<p>The Green Infrastructure network for Kington, as identified on the Core Strategy Green Infrastructure Study Plan will be protected and enhanced.</p> <p>Development proposals will be assessed for the contribution they make to the following, where appropriate:</p> <ul style="list-style-type: none"> (i) enhancement of wetland habitats and features (ponds, ditches and drains), along the courses of the River Arrow and Back Brook throughout their stretches in the Neighbourhood Plan area; (ii) maintenance of an acceptable level of riverside tree cover; (iii) maintenance of the quality and extent of the hedgerow network alongside developments and across open fields; (iv) creation of new paths and access, and improvement of the existing network of public rights of way between the town, more recent development south of the Arrow and open countryside; (v) creation of broad Green Infrastructure Corridors within the development proposal on Land South of Kington; (vi) compliance with Core Strategy Policy LD3. <p>Where viable, proposals that will create links to encourage walking and cycling between Hergest and Kington Town and around Kington Town will be supported.</p>	<p>The policy provides additional local detail against which planning applications will be assessed</p>
<p>Policy KANP CF1 - Community Facilities</p> <p>The KANP seeks the retention and enhancement of all its existing community facilities, those listed in Appendix 4, for their on-going use by the local community.</p>	<p>Policy KANP CF1 is in general conformity with strategic policy SC1 <i>Social and community facilities</i> and adds local detail.</p>

Proposals for new community facilities will be supported where they meet a community need, are sensitively located, protect residential amenity and provide sufficient parking.

Any development proposal that adversely affects or results in the loss of a community facility should be able to demonstrate either, that an alternative facility can be provided of equal size, quality or accessibility, or, that the facility is no longer needed, fit for purpose or viable.

9. Compatibility with EU Obligations and legislation

9.1 A Neighbourhood Plan must be in compliance with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are four directives that may be of particular relevance to neighbourhood planning:

Strategic Environmental Assessment (SEA) Directive

- 9.2 The Herefordshire Council have assisted the Town/Parish Council's with the SEA process. The environmental appraisal of the Kington Area Neighbourhood Plan 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 Plan.
- 9.3 The assessment of the Draft Regulation 14 NDP, carried out in May 2017, concluded that on the whole the Kington Area 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). The assessment went on to say that the Neighbourhood Plan does not propose any growth that would be over and above that prescribed by strategic policies. The assessment noted that the Neighbourhood Plan included site allocations and will accommodate up to 200 dwellings within Kington Town with majority of these dwelling will be allocated in two large scale sites located south Kington.

- 9.4 Following the Draft plan consultation (Regulation 14) the assessment recognises that the Kington Area NDP steering group amended criteria in a majority of the policies in response to the comments received at Regulation 14 consultation. The amendments were mainly minor wording changes to ensure consistency with the framework and to provide more clarity for decision makers.
- 9.5 In addition, it is noted that two new policies were added including E2 which provides criteria for large scale employment facilities within built environmental safeguards. This has been screened and was found to be compatible with the SEA baseline objectives having a positive impact on the environmental objectives. In addition, Policy ENV4 has been added to provide criteria to improve flood alleviation measures in new development and sets out criteria in accordance with Core Strategy policy SD4. This also has a positive impact on the baseline objectives.
- 9.6 Policies ENV2, ENV3, SB1, H1, H2, T1, INF1 and LGS1 have been re-assessed due to the additions and changes to these policies. Most of the changes clarified and strengthened the policies by adding further criteria. The settlement boundaries have altered and several greenspace areas now fall outside the settlement boundaries. Three sites have been removed from Kington Town as they were deemed as unsuitable or undeliverable the sites are K6, K15 and K20. The loss of up to 27 dwellings will be met through the two large scale sites east of Kingswood Road and also windfall and infill development in the settlement boundary. The outcome through screening these changes found that they are unlikely to have a significant environmental effect due to location to the SAC and nature of the schemes along with the safeguards included within the NDP and Core Strategy. Overall these changes help move the policies closer towards the SEA baseline and likely to ensure suitable development in the NDP plan period.
- 9.7 It has been concluded that the rescreening made will not have a significant adverse impact on the SEA objectives and therefore the conclusions of the SEA remain the same as with the Draft Plan, no significant effect is likely from the implementation of the Kington Area NDP policies.

Environmental Impact Assessment (EIA) Directive).

- 9.8 Environmental Impact Assessment is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures.
- 9.9 The Town/Parish Council's have considered this Directive but do not believe that any proposed development envisaged by the Neighbourhood Plan would be of a significant enough scale so as to merit an Environmental Impact Assessment.

Habitats Directive

- 9.10 The Neighbourhood Plan has been prepared in conjunction with a formal screening process in accordance with the Habitats Directive. The initial Screening Report (November 2013) revealed that the Plan Area falls within the hydrological catchment of the River Arrow and therefore also in the hydrological catchment area of the River Wye SAC which is a European site (Special Area of Conservation) and therefore a full screening assessment was required to the Draft Regulation 14 version of the NDP. The conclusion of this full screening was provided in May 2017 and concluded that the Kington Area Plan will not have a likely significant effect on the River Wye SAC.
- 9.11 Following the Regulation 14 consultation the Submission Regulation 16 NDP was reassessed by Herefordshire Council in August 2018. The HRA concluded that this review and rescreening in addition to the revisions to the policies post regulation 14, have been found to be unlikely to result in significant effects on the River Wye SAC. It has therefore been concluded that the Kington Area Neighbourhood Plan will not have a likely significant effect on the River Wye SAC.

Other European directives

- 9.11 The Neighbourhood Plan considered other European Directives such as the Waste Framework Directive (2008/98/EC) and the Water Framework Directive (2000/60/EC). The Core Strategy (policies SD3 and SD4) requires that development proposals are considered against Water Framework Directive objectives, including that development should not undermine the achievement of water quality targets. These strategic policies are referenced within the NDP in justification to policies KANP ENV4 and KANP INF 1. The Water Framework Directive has been taken into account within the objectives used for the SEA of the NDP and as a source of baseline information and targets. The NDP is considered to be compatible with the Water Framework Directive.
- 9.12 In addition, the Neighbourhood Plan has regard to the fundamental rights and a freedom guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The Neighbourhood Plan has been prepared within the existing framework of statute, national planning policy and guidance, and County-level strategic planning policies. In accordance with established process, its preparation has included consultation with the local community and it is subject to independent examination. The policies within the Plan are considered to comply with the requirements of EU obligations in relation to Human Rights.

10. Conclusions

- 10.1 The Neighbourhood Plan has been carefully drafted to comply both with the legal requirements and the basic conditions. This Statement has demonstrated that prescribed conditions have been met and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.

APPENDICES

1. Herefordshire Council Kington Area Neighbourhood Plan Designation letter
2. Map of Designated Area