

**Welsh Newton and Llanrothal  
Submission Neighbourhood Development Plan  
Revised 'Basic Conditions' Statement, December 2017**

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



## 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 Welsh Newton and Llanrothal 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 Welsh Newton and Llanrothal Group Parish Council.

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

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

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

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made (2016) up to 2031 (the same period as the emerging Herefordshire Core Strategy Local Plan).

### **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 Welsh Newton and Llanrothal Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

### 3.0 Basic Conditions

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

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

Paragraph 184 also states that Neighbourhood Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Welsh Newton and Llanrothal Neighbourhood Plan does not undermine the strategic policies of Herefordshire Council; the Plan aims to support these policies by protecting local built and natural heritage assets from insensitive new development, aiming to ensure appropriate landscaping and screening are in place if the proposed southern link road is brought forward, and supporting small scale housing development to meet local needs.

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

**Table 1 NPPF Core Planning Principles and the Welsh Newton and Llanrothal Submission Neighbourhood Development Plan**

<b>NPPF Core Planning Principle</b>	<b>Regard that Welsh Newton and Llanrothal Neighbourhood Plan has to guidance</b>
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.	The Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The vision, objectives, policies and proposals in the Plan have been developed through community engagement. The Plan sets out a positive vision for the area up to 2031. The Neighbourhood

	Plan sets out a concise and practical suite of policies (16 in total) to guide development control decisions.
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.	The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Welsh Newton and Llanrothal Group Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which protect this special, high quality landscape and its wildlife, and which promote high quality design. At the same time the Plan supports appropriate new housing within the settlement boundary of Welsh Newton Common.
Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.	The Submission Neighbourhood Plan supports appropriate business and economic growth in the rural area in several policies. Policy WNL10 supports appropriate new business development in former agricultural buildings and there are policies which guide polytunnels (WNL11), which support new communication technologies (WNL12) and which guide the development of appropriate low carbon energy schemes (WNL12, WNL13).
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.	The Submission Neighbourhood Plan sets out policies to protect and enhance local landscape character and promote high design quality in a number of policies including Policy WNL1 Protecting and Enhancing Local Landscape Character and WNL5 - Building Design Principles.
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	The Plan recognises the intrinsic character and beauty of the countryside and supports thriving rural communities within it. The Plan includes policies to promote green infrastructure (new Policy WNL2), to protect the countryside and wildlife and local green space (Policy WNL4 Protecting and Enhancing Local

<p>character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>Wildlife and Habitats and Policy WNL5 Local Greenspace Protection). There are other policies which provide criteria for housing, business and energy development in the countryside and the need to protect the beautiful, rural nature of the group parish is a common theme underpinning all policies in the Plan.</p>
<p>Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).</p>	<p>Policy WNL13 – Supporting Community-Led Low Carbon Energy Schemes and Policy WNL14 – Renewable Energy Schemes support appropriate low carbon energy schemes in the countryside. Policy WNL5 - Building Design Principles supports sustainable design as does Policy WNL6 Welsh Newton Common Settlement Boundary and New Housing.</p>
<p>Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>	<p>The Plan protects areas of wildlife value in Policy WNL3 Protecting and Enhancing Local Wildlife and Habitats. Policy WNL9 Site Allocation – Former Garage Site, Welsh Newton promotes the re-use of a brownfield site (a former garage).</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>Policy WNL9 Site Allocation – Former Garage Site, Welsh Newton promotes the re-use of a brownfield site (a former garage) and Policy WNL5 supports sensitive conversion of rural buildings.</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>Welsh Newton and Llanrothal is a rural area and sparsely populated and large scale developments with a mix of uses would be inappropriate. However, the Plan supports small scale new housing schemes within or adjoining the existing settlement of Welsh Newton Common in line with the Herefordshire Adopted Local Plan Core Strategy and rural diversification of former agricultural buildings to support economic development and employment opportunities. The Plan recognises the role of the area in terms of value for wildlife and recreation through Policies WNL2, WNL3 and WNL4 which protects a well-used area of common land as a local green space.</p>

<p>Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations</p>	<p>The Submission Neighbourhood Plan is fully in line with this principle.</p> <p>The Plan notes the existing built heritage assets in the Parish including 19 listed buildings and scheduled monuments and promotes high quality design which enhances the distinctive local character of existing settlements and buildings (Policy WNL5).</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>Policy WNL15 – Improving Local Footpaths, Bridleways, Cycleways and other Public Rights of Way seeks to encourage movement by means other than the private car and managing the impacts of traffic in the countryside is addressed in Policy WNL10 New Business Development in Former Agricultural Buildings.</p>
<p>Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs</p>	<p>The Neighbourhood Plan is fully in accord with this principle. Policy WNL16 seeks to protect local community facilities to enhance quality of life and wellbeing.</p>

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

The NDP notes on paragraph 2.9 that "Welsh Newton Parish has 19 Listed Buildings and Scheduled Monuments including Grade I Pembridge Castle (Scheduled) and Grade I Church of St Mary. Llanrothal Parish has 16 Listed Buildings and Scheduled Monuments including Grade II\* Church of St John the Baptist. A full list of statutory Listed Buildings is provided in Appendix I."

The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish through Policy WNL5 which seeks to ensure designs for new buildings are sensitive to local character.

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

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

The Plan area has no Conservation Areas.

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

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

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

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

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

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

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

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

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

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

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Plan seeks to support appropriate local economic development in rural areas through appropriate conversion and redevelopment of former agricultural buildings for new economic uses.
Social	<p>The Plan protects local community facilities and recognises the role of the landscape and countryside in supporting health and wellbeing of parish residents and visitors.</p> <p>The Plan supports appropriately sited and designed new housing in the rural area as part of the overall Herefordshire Council strategy to provide new housing focussed on identified rural settlements such as Welsh Newton Common.</p>
Environmental	The Submission Neighbourhood Plan sets out policies that protect local and enhance local landscape character and existing settlements and built heritage assets.

**3.5 e. In General Conformity with Strategic Local Planning Policy**

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Core Strategy Local Plan Adopted October 2015. Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from this Local Plan.

**Table 3 Conformity with Local Strategic Policy**

<b><i>Welsh Newton and Llanrothal Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031 Adopted October 2015</i></b>	<b><i>General Conformity</i></b>
<p><b>All Policies</b></p>	<p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p>When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.</p>	<p>Welsh Newton and Llanrothal NDP promotes sustainable development through all policies by supporting sensitive development which protects and enhances the special characteristics of this very rural environment.</p>
<p><b>Policy WNL1 Protecting and Enhancing Local Landscape Character</b></p> <p>Development proposals will be required to incorporate the following landscape design principles:</p> <ol style="list-style-type: none"> <li>Proposals will be required to maintain the area’s sense of tranquillity, through careful and sympathetic design of access and consideration of traffic impacts on local roads.</li> </ol>	<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</p>	<p>Core Strategy Policy SS6 provides a strategic planning framework for protecting and enhancing environmental assets that contribute towards distinctiveness.</p> <p>Core Strategy Policy LD1 provides broad, strategic criteria to protect landscapes at a Herefordshire level.</p> <p>Policy WNL1 seeks to protect local landscape character by providing more local detail to</p>

<p>2. External lighting should be kept to an absolute minimum to preserve the tranquillity and darkness of the area at night.</p> <p>3. Development proposals should seek to preserve or enhance the character of the villages and rural settlements, especially those with buildings dating from earlier centuries. Schemes will be expected to conserve and protect the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed, through the use of appropriate styles and locally distinctive materials such as stone and slate.</p> <p>4. New residential development (in line with Herefordshire’s emerging core strategy Policies RA2, RA3 and RA4) should protect the parish's historic settlement pattern, through small-scale developments adjoining or within the small villages and hamlets. Well-designed sustainable construction and low carbon technologies will be supported.</p> <p>5. The conservation of traditional farm buildings through continued and appropriate new uses is supported and repairs and alterations should use local</p>	<p>essential to the health and wellbeing of the county’s residents and its economy.</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 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>strategic policies. Policy WNL1 seeks to protect the tranquillity and dark skies of the Group Parish , enhance historic assets and farm buildings, protect sites and features important to wildlife and promote the use of locally appropriate species in planting schemes. In addition a series of locally important protected views are identified.</p>
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<p>materials and techniques wherever possible.</p> <p>6. Significant wildlife sites are identified on Map 4. These wildlife sites are protected for their local, regional and national importance and development which will have an unacceptable impact on these areas will not be permitted.</p> <p>7. Local habitats and wildlife should be preserved and enhanced by providing species rich hedgerows, ponds and tree cover as part of a development. Vulnerable, established habitats such as species rich grassland, traditional meadows, existing ponds and ancient semi natural woodland will be protected from development.</p> <p>8. Proposals should conserve important local landscape features such as areas with archaeological significance as these cannot be replaced.</p> <p>9. Mature and established trees should be protected and incorporated into landscaping schemes. The planting of species in character with the local area will be encouraged – eg beech, ash, sweet chestnut, cherry. Species should be appropriate to the location and</p>		
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<p>setting in terms of type, height, density and the need for on-going management. When constructing boundaries a mix of native tree species should be used. Existing hedgerows must be retained and the establishment of new native hedges is encouraged, especially where there is an opportunity to link to existing hedges or woodland to create wildlife corridors.</p> <p>10. Development which involves the removal of existing local orchards or woodland will be resisted. Where orchards or woodland are lost as a result of new development proposals, developers will be expected to include fruit and tree species traditional to the local area in landscaping schemes.</p> <p>11. Development which involves the removal of existing ponds will be resisted. Where removal of existing ponds is unavoidable replacement will be expected. The creation of new ponds in appropriate locations will be encouraged.</p> <p>12. Development which encroaches on or negatively affects natural streams and water courses will be resisted.</p>		
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<p>13. New development must take account of known surface and sub-surface archaeology, and ensure unknown and potentially significant deposits are identified and appropriately considered during development. Lack of current evidence of sub-surface archaeology must not be taken as proof of absence.</p> <p>14. Developments will be required to provide appropriate high quality infrastructure for any new developments or to contribute to the local community by providing monetary sums for use in the parishes through developer contributions and community infrastructure levy (CIL).</p> <p>15. Developments must take account of the Protected Views identified in Map 4 below. Developments which obscure viewpoints for residents and visitors to the parish will not be supported. This list of views is not exhaustive and does not imply that views not listed are not valuable or important to the area. The Protected Views are:</p> <p>View 1 - End of St Wulstans Lane looking East to Forest of Dean and Malvern Hills</p>		
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<p>View 2 - Woodside Looking East to Malvern Hills and across the Wye Valley</p> <p>View 3 - Shobdon Corner looking west to Black mountains from road</p> <p>View 4 - View from footpath Newton House looking west to Black Mountains, Garway Hill and the Graig</p> <p>View 5 - View north from the top of Llancloudy pitch on A466 across much of South Herefordshire towards Little Birch and Aconbury Hill</p> <p>View 6 - View from Old Shop up the Monnow Valley to the north west</p> <p>View 7 - View from Nunnery Corner up the Monnow Valley to the north west</p> <p>View 8 – View from near Pembridge Castle looking west south west across the Monnow Valley to the Black Mountains</p>		
<p><b>Policy WNL2 Green Infrastructure</b></p> <p>Existing green infrastructure ('GI') within the neighbourhood area is protected by Core Strategy Policy LD3, which also encourages the</p>	<p><b>Policy LD3 Green infrastructure</b></p> <p>Development proposals should protect, manage and plan for the preservation of existing and</p>	<p>Core Strategy Policy LD3 provides the strategic framework for identifying and protecting GI. Local open spaces are identified as examples of GI.</p>

<p>creation of new green infrastructure as part of development proposals.</p> <p>Desirable green infrastructure in this neighbourhood area includes priority habitats such as lowland dry acid grassland, traditional orchards, woodland and wildlife corridors, and other environmental assets in the neighbourhood area, to preserve and expand the existing ecosystem network (as set out in the Herefordshire Green Infrastructure Study (2010)).</p> <p>The following ecological enhancements will be particularly encouraged as part of development: re-naturalising watercourses, woodland planting, provision of green roofs, and incorporation of features such as roosting opportunities for bats, the installation of bird nest boxes, and the use of native species in the landscape planting.</p>	<p>delivery of new green infrastructure, and should achieve the following objectives:</p> <ol style="list-style-type: none"> <li>1. identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;</li> <li>2. provision of on-site green infrastructure ;in particular proposals will be supported where this enhances the network and</li> <li>3. integration with, and connection to, the surrounding green infrastructure network.</li> </ol>	<p>Policy WNL1 identifies different types of desirable GI in the Group Parish and promotes their protection and suitable enhancement as part of development schemes.</p>
<p><b>Policy WNL3 Protecting and Enhancing Local Wildlife and Habitats</b></p> <p>Proposals for new development will be required to:</p> <ul style="list-style-type: none"> <li>• Demonstrate how the design has taken into account its potential impact on local habitats and species.</li> </ul>	<p><b>LD2 Biodiversity and geodiversity</b></p> <p>Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:</p> <ol style="list-style-type: none"> <li>1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows :</li> </ol>	<p>Core Strategy Policy LD2 requires new development to conserve, restore and enhance local biodiversity through various measures.</p> <p>Policy WNL3 provides more local detail at a Group Parish level to provide guidance to developers about locally appropriate schemes.</p>

<ul style="list-style-type: none"> <li>• Ensure that appropriate measures are put in place to protect wildlife and enhance biodiversity and important habitats.</li> </ul> <p>Where development would adversely affect roosting or nesting sites, suitable new provision should be made for species such as swallows, swifts, house martins, bats and owls which may be displaced during and following construction / conversion.</p> <p>An appropriate mixture of native species typical of this locality should be incorporated in landscaping schemes such as beech, oak, ash, hawthorn, wild cherry, hazel, sweet chestnut, bullace, blackthorn, dog rose, honeysuckle etc.</p>	<p>a) Development that is likely to harm sites and species of European Importance will not be permitted;</p> <p>b) Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations;</p> <p>c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.</p> <p>d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.</p> <p>2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and</p> <p>3. creation of new biodiversity features and wildlife habitats.</p>	
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	Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.	
<p><b>Policy WNL4 Local Greenspace Protection</b></p> <p>The Common Land at Welsh Newton Common and Glebe Field west of St Mary’s Church, Welsh Newton are protected from development as a local green space under the NPPF Paragraphs 76, 77 and 78. (see maps)</p> <p>The Parish Council will support appropriate proposals for the enhancement of the identified local green spaces to benefit local wildlife and support green infrastructure objectives.</p>	<p><b>Policy LD3 Green infrastructure</b></p> <p>Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:</p> <ol style="list-style-type: none"> <li>1. identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;</li> <li>2. provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network and</li> <li>3. integration with, and connection to, the surrounding green infrastructure network.</li> </ol>	<p>Core Strategy Policy LD3 supports the identification and protection of GI corridors and linkages.</p> <p>Policy WNL4 identifies an area of Common Land and a field as Local Green Spaces which could be considered to form part of the local GI network.</p>
<p><b>Policy WNL5 - Building Design Principles</b></p>	<p><b>Policy LD1 Landscape and townscape - see above.</b></p>	<p>Core Strategy Policy LD1 requires development proposals to demonstrate that local character has positively influenced the design of development.</p>

<p>All new development proposals will be required to demonstrate how they have taken account of the following:</p> <ol style="list-style-type: none"> <li>1. New development should enhance and reinforce the local distinctiveness of the area and proposals should show clearly how the general character, scale, mass, and layout of the site, building or extension fits in with or enhances the “grain” of the surrounding area within design and access statements. Local heritage assets are protected and new development proposals which could impact on the setting of any local heritage assets should be designed sensitively and respond positively in terms of scale and detailed design.</li> <li>2. New development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale, and form do not disrupt the visual amenities of the immediate surroundings or impact adversely on any significant wider landscape views. Proposals should display how they take account of the locally distinctive character of the area in</li> </ol>	<p><b>Policy LD4 Historic environment and heritage assets</b></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 in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;</li> <li>2. the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;</li> <li>3. use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;</li> <li>4. record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and</li> </ol>	<p>Core Strategy Policy LD4 sets out how development should be designed to protect and enhance the historic environment and heritage assets.</p> <p>Policy WNL5 sets out in more detail how development proposals should respect local context and character of the Group Parish.</p>
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<p>which they are to be sited within design and access statements.</p> <p>3. New development proposals need not imitate earlier architectural periods or styles and could be the stimulus for the use of imaginative modern design. However, use of local materials and design sympathetic with the vernacular will always be encouraged as the norm.</p> <p>4. Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Group Parish should be sensitive to their distinctive character, materials and form. Due reference and consideration should be made to the Herefordshire farmstead assessment framework and associated guidance and statements.</p> <p>5. Development proposals should give careful consideration to noise, odour and light, which might be detrimental to the enjoyment of the area by other residents. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient (see also Policy WNL1).</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 SD1 Sustainable design and energy efficiency</b></p> <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</li> </ul>	
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<p>6. Because development in the Parish is inherently unsustainable due to the remote rural nature of the area, and the lack of services, it is important that this is mitigated by the use of sustainable building techniques and design to minimise its wider environmental impact. Any development should be sustainable in design, minimise use of resources and use low carbon energy technologies wherever possible.</p>	<p>including, where appropriate, through innovative design;</p> <ul style="list-style-type: none"> <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; 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; where possible, on-site renewable energy generation should also be incorporated;</li> </ul> <p>create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly;</p>	
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	<ul style="list-style-type: none"> <li>• ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and</li> <li>• utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;</li> </ul> <p>All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.</p>	
<p><b>Policy WNL6 Welsh Newton Common Settlement Boundary and New Housing</b></p> <p>Proposals for new market housing will be supported within the identified settlement boundary in Welsh Newton Common as shown on Map 8 and on exception sites in the wider countryside in accordance with Local Plan Core Strategy Policies RA2, RA3, RA4 and H2.</p> <p>Proposals within the Settlement Boundary will be supported subject to other Policies and criteria set out in the Neighbourhood Development Plan.</p> <p>Within the Settlement Boundary for Welsh Newton Common, proposals should be small in</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 that different areas of Herefordshire have different housing needs and requirements.</p>	<p>In line with Core Strategy Policies RA1 and RA2 the NDP identifies a settlement boundary for Welsh newton Common, together with locally appropriate criteria to guide new development.</p>

<p>scale i.e. for one or two properties, and development should adjoin clusters of existing buildings and not be on isolated sites away from other housing and settlements. Proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location within Welsh Newton.</p> <p>House sizes should be limited to a maximum of 2/3 bedrooms to help address the local shortage of smaller, affordable units for young families.</p> <p>Proposals for self-build schemes and / or small scale community led housing will be particularly welcomed. Housing which is designed to meet the needs of older people such as bungalows or specially adapted homes (such as Lifetime Homes Standard)<sup>2</sup> will also be supported</p> <p><b>Design and finish</b></p> <p>Building materials are encouraged that retain the character of the settlement such as natural red sandstone, mellow red brick, timber or timber style windows and slate or tiled roofs. Sensitive modern designs using other materials may also be appropriate. Where possible, the renovation of existing redundant structures is preferred before new undeveloped sites are considered.</p>	<p>The 5,300 dwellings will be delivered throughout the rural HMAs as set out in the table below. The indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of neighbourhood development plans in the county. Local evidence and environmental factors will determine the appropriate scale of development.</p> <table border="1" data-bbox="831 544 1420 715"> <thead> <tr> <th>Rural HMA</th> <th>Approximate number of dwellings 2011 - 2031</th> </tr> </thead> <tbody> <tr> <td>Ross on Wye</td> <td>1150</td> </tr> </tbody> </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, 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</p>	Rural HMA	Approximate number of dwellings 2011 - 2031	Ross on Wye	1150	
Rural HMA	Approximate number of dwellings 2011 - 2031					
Ross on Wye	1150					

<sup>2</sup> <http://www.lifetimehomes.org.uk/>

<p>Eco building principles will be supported wherever possible to include (but not limited to) renewable heating, rainwater harvesting, SUDs, Photovoltaics etc.</p> <p><b>Protection of the Natural Environment</b></p> <p>All development will need to demonstrate respect for the natural environment and specific character of the area. Wildlife surveys should be undertaken where appropriate prior to any development and appropriate mitigation schemes put in place so as to preserve the bio diversity of the Common.</p> <p>Particular attention should be paid to ensuring that any new development, or re-development of existing structures avoids negative impact on species, and indeed provides new suitable habitat. For example the following provisions to support biodiversity are encouraged:</p> <ol style="list-style-type: none"> <li>1. Protecting existing ponds and creating new ones</li> <li>2. Protecting existing hedgerows and creating new ones that link areas of woodland across the landscape.</li> </ol> <p>Elevations must reflect the rural environment. Ridge heights should not exceed 6m and the design should reflect the rural environment and</p>	<p>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 appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and</li> </ol>	
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<p>be suitable. Designs that are urban in nature will not be supported.</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 4.15: Other settlements where proportionate housing is appropriate</b></p> <p><b>Welsh Newton Common</b></p>	
<p><b>Policy WNL7 Rural Exception Housing</b></p> <p>Proposals for new dwellings in the wider countryside of the Parish will be permitted subject to the criteria in Local Plan Core Strategy policies RA3, RA4, RA5 and H2 and where:</p> <ol style="list-style-type: none"> <li>1. The design and finish uses local materials (local sandstone, natural slate, timber or timber alternative windows, lime render) and employs sustainable building methods including, but not limited to, rain water harvesting, photovoltaic cells, renewable heating etc.</li> <li>2. A wildlife survey is undertaken and where needed appropriate mitigation schemes must be in place before any development is started.</li> </ol>	<p><b>Policy RA3 Herefordshire’s Countryside</b></p> <p>In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria:</p> <ol style="list-style-type: none"> <li>1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or</li> <li>2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or</li> </ol>	<p>Core Strategy Policy RA3 sets out strategic criteria where rural exception housing may be appropriate.</p> <p>Policy WNL7 sets out more local detail for the Group Parish which requires schemes to be of appropriate and sensitive design which protects and enhances local wildlife and landscape character.</p>

<p>3. Any development must sit well within the landscape and not look like an alien feature. The design should reflect the rural vernacular building styles in the area and be of an appropriate scale and mass. Ridge heights should not exceed 6m.</p> <p>4. Any new housing must meet a demonstrable local need in terms of number and tenure.</p> <p>5. Proposals for extensions to increase the size and volume of smaller (ie 1-3 bedroom) housing units beyond permitted development rights will only be considered acceptable in exceptional circumstances, for example where the applicant demonstrates to the satisfaction of the Council that the local need for smaller residential units in the local area / Group Parish no longer applies, or where the extension would provide additional accommodation in a separate self-contained but adjoining unit for an extended family member such as a “granny flat”. Proposals to extend existing residential properties should be proportionate to the existing scale of the building and should not increase the footprint of the building by more than two thirds, or exceed an increase in gross volume by more than 50%.</p>	<p>3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or</p> <p>4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or</p> <p>5. is rural exception housing in accordance with Policy H2; or</p> <p>6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or</p> <p>7. is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.</p>	
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<p>6. Executive type homes will not be supported.</p> <p>7. Exterior lighting to be kept to a minimum.</p> <p><b>Agricultural Occupancy and Forestry.</b></p> <p>Agricultural and forestry exemptions will be tied to the farm in perpetuity; the freehold must remain intact. No agricultural exemption properties will be removed from this restriction. If the need for the exemption expires then the property will either be removed or given over to affordable housing.</p> <p>Where there is a need for temporary workers housing, all built structures should be removed once the need no longer exists.</p> <p>The housing should use natural materials in order to blend into the surrounding rural environment and use natural materials in order to blend into the surrounding rural environment. Where appropriate ancillary buildings should likewise be constructed of timber.</p>		
<p><b>Policy WNL8 Extensions to Houses and Residential Conversions of Former Agricultural Buildings</b></p>	<p><b>Policy RA5 – Re-use of rural buildings</b></p> <p>The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which will make a positive contribution to rural businesses and</p>	<p>Core Strategy Policy RA5 sets out strategic criteria for the re-use of rural and former agricultural buildings.</p> <p>Policy WNL8 identifies where such conversions would be acceptable at a local level, and includes</p>

<p>Conversions of rural outbuildings to meet identified local housing needs will be supported in preference to new build.</p> <p>However this would only apply to buildings capable of conversion without significant re-building and to buildings of architectural merit – mainly stone-built barns or buildings of this type. This would be in order to prevent the use of unsuitable buildings which may be erected for the purpose.</p> <p>Proposals to bring vacant houses into re-occupation and re-use of derelict stone buildings will be supported where practicable. Sites that would be considered for redevelopment/conversion include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• The Old Methodist Chapel (convert)</li> <li>• Woodside Stables</li> <li>• Hill cottage (restore).</li> </ul> <p>Proposals for the re-use and adaptation of traditional rural buildings will be permitted where:</p> <ol style="list-style-type: none"> <li>1. The building is of permanent and substantial construction capable of conversion without major or complete reconstruction. An engineer’s report will be required. The scheme must be a bona</li> </ol>	<p>enterprise and support the local economy (including live work units) or which otherwise contributes to residential development, or is essential to the social well-being of the countryside, will be permitted where:</p> <ol style="list-style-type: none"> <li>1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;</li> <li>2. design proposals make adequate provision for protected and priority species and associated habitats;</li> <li>3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;</li> <li>4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and</li> <li>5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of</li> </ol>	<p>the identification of some buildings which are considered suitable for sensitive conversion to residential use.</p>
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<p>finite conversion and not an attempt to bring into use a building that requires extensive reconstruction.</p> <ol style="list-style-type: none"> <li>2. The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. Any scheme will be considered as finite.</li> <li>3. The proposal does not lead to inappropriate levels of unsustainable low density development in the countryside which would impact on village vitality.</li> <li>4. The proposal is compatible with neighbouring uses – particularly on going agricultural uses and does not itself cause undue environmental impacts.</li> <li>5. Development includes the provision of office or small workshop space to promote homeworking and so reduces the need to travel to work.</li> </ol>	<p>the building or have a detrimental impact on its surroundings and landscape setting.</p> <p>Any planning permissions granted pursuant to this policy will be subject to a condition removing permitted development rights for future alterations, extensions and other developments.</p> <p><b>Policy H2 Rural exception sites</b></p> <p>Proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where:</p> <ol style="list-style-type: none"> <li>1. the proposal could assist in meeting a proven local need for affordable housing; and</li> <li>2. the affordable housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and</li> <li>3. the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2.</li> </ol> <p>In order to enable the delivery of affordable housing some market housing may be permitted as part of the development to subsidise a significant proportion of affordable housing provision. However, evidence will be required –</p>	
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<p>Design principles for conversion of traditional rural buildings.</p> <p>The conversion must retain the existing qualities and essential features of the building and respect local building styles and materials. These include</p> <ul style="list-style-type: none"> <li>• the original structure of walls and roof</li> <li>• the cladding</li> <li>• unbroken roof lines</li> <li>• large interior spaces</li> <li>• the settings</li> <li>• window openings</li> <li>• walls without window openings</li> </ul> <p>External lighting should be kept to a minimum.</p> <p>Access should be safe and from a road capable of carrying an increase in traffic. There should be sufficient provision within the site for vehicles without the need for additional buildings.</p>	<p>by way of a financial appraisal, in order to demonstrate that the proposed scale of market housing is that required for the successful delivery of affordable housing.</p>	
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<p>The site should have sufficient amenity space for the intended use.</p> <p><b>Sustainability</b></p> <p>The use of sustainable building principles will be supported. The use of rainwater recycling, SUDs, PV, renewable heating etc. should be incorporated within the conversion wherever possible. There must be at least some of these features within the scheme.</p> <p>Mitigation and provision for wildlife will be expected as part of any conversion scheme.</p>		
<p><b>Policy WNL9 Site Allocation – Former Garage Site, Welsh Newton</b></p> <p>The former Garage Site identified on Map 9 is allocated for a mix of uses including housing, commercial and tourist uses appropriate to the rural area. Preferred uses would include for instance one or more of the following:</p> <ul style="list-style-type: none"> <li>• farm shop / antique shop</li> <li>• tea shop / café</li> <li>• holiday cottage</li> <li>• Housing.</li> </ul>	<p><b>Policy RA1 Rural Housing Distribution</b></p> <p><b>Policy RA2 Housing in settlements outside Hereford and the market towns</b></p>	<p>Core Strategy Policies RA1 and RA2 set out the strategic requirement for new housing across rural Herefordshire.</p> <p>The proposed site allocation in Policy WNL9 provides local detail to support a suitable local brownfield site coming forward for new housing or other appropriate development.</p>

New housing should be small in scale, terraced or semi-detached, and provide affordable starter homes for local people.

A design with dominant features in traditional, local materials would be supported. This should include:

- The use of natural slate for roofing.
- Local sandstone to face front walls laid in a traditional style with 'jumpers' and red sand mortar/pointing.
- Lime mortar/render.
- Timber or timber alternative windows (for instance, "evolution storm 2")
- A design that is 'in keeping' with a rural area and village setting would be supported for instance barns, cottages, farmhouse, alms-houses and not generic house types which would be urban in concept and design.
- A mix of sizes would be desirable with an emphasis on smaller units – 2/3 beds.
- Eco building principles would be supported. High insulation standards and renewable heat technologies should

<p>be incorporated to add to the sustainability of the development.</p> <ul style="list-style-type: none"> <li>• Incorporation of Sustainable Drainage Schemes (SuDS).</li> </ul> <p>Some market housing may be permitted as part of the development in order to subsidise affordable housing provision. The houses in the affordable part of the scheme should not exceed 3 bedrooms. A self-build scheme would be supported for the affordable housing part of a development.</p> <p>Developer contributions should include support for the purchase and installation of a SID to reduce the risk of collision on the A466 and a contribution towards flood alleviation schemes on the A466.</p>		
<p><b>Policy WNL10 - New business development in former agricultural buildings</b></p> <p>Small scale and appropriate conversion of former agricultural buildings to offices, workshops and other business type uses are supported in principle as part of farm diversification and economic growth in the rural area.</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>	<p>Core Strategy Policy RA6 supports appropriate development and changes of use which would provide a wider range of employment opportunities in the rural area.</p> <p>Policy WNL10 seeks to provide more local detail to encourage diversification of rural buildings to provide new employment opportunities as part of local economic growth objectives.</p>

<p>Where planning permission is required, changes of use of former agricultural buildings to business will be required to demonstrate that the new business is compliant with all of the following criteria:</p> <ol style="list-style-type: none"> <li>1. Access is suitable and adequate for proposed increases in traffic associated with new uses bearing in mind the fragile road network;</li> <li>2. Landscaping is provided where appropriate to screen industrial buildings, parking etc;</li> <li>3. Adequate noise attenuation measures will be provided</li> <li>4. Measures to mitigate the effects of external lighting will be provided e.g low level time limited infra- red security lighting, rather than halogen type floodlights.</li> <li>5. Increased traffic and deliveries will be managed effectively and working hours are limited to minimise disturbance to local residents and adverse impacts on residential amenity. Enterprises that cause noxious smells (other than typical odours of an agricultural/rural nature) will not be supported.</li> </ol>	<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> <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</li> </ul>	
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<p>6. Large scale business developments requiring frequent HGV movements per day will not be supported.</p> <p>7. Industrial activities using large quantities of water will only be supported if it can be shown that they will not have a negative impact on existing local water supplies</p> <p>8. Industrial activities producing large quantities of waste water will not be supported unless it can be shown that disposal can be achieved without negative impact on the local environment or local people.</p> <p>Where farm buildings have been used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery, consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice sought should any be encountered during the development.</p>	<p>design and mass, noise and dust, lighting and smell;</p> <ul style="list-style-type: none"> <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 WNL11 – Polytunnels</b></p> <p>Any proposal for new polytunnels will be required to take into consideration any adverse</p>	<p><b>Policy RA6 Rural economy</b></p>	<p>Core Strategy Policy RA6 supports appropriate economic development in the countryside.</p>

<p>impact on locally significant landscapes, views and habitats as identified in Policies WNL1 and WNL2 above and to demonstrate provision of suitable measures for mitigation. Development proposals should protect or mitigate any impacts on protected species and habitats and the creation, restoration and enhancement of local habitats will be encouraged as part of landscaping schemes.</p> <p>Polytunnels will be supported in fields where there would not be significant visual intrusion within the landscape, and any impacts are satisfactorily mitigated by landscaping schemes in the short term comprising indigenous species.</p> <p>Polytunnel developments that adversely affect the setting of listed buildings, scheduled monuments, registered or unregistered historic parks and gardens or other local heritage assets will not be permitted.</p> <p>Polytunnels or associated developments (works, storage, servicing, accesses, toilets etc) should be sited outside a minimum distance of 30m of the boundary of any residential curtilage and 50m of any dwelling, whichever is the greater. Buffer zones will be required to be kept permanently free from associated storage, and may not be used as vehicular accesses.</p>		<p>Policy WNL11 seeks to protect the distinctive local landscape character of the Group Parish by ensuring proposals for new large polytunnels required as a result of changes in agricultural practices are sited sensitively within the local landscape.</p>
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<p>Applicants will be required to demonstrate that the vehicular means of access and local highway network (in terms of design and capacity) are adequate to cater for increases in traffic generation in terms of numbers and types of vehicles.</p> <p>Polytunnels will not be permitted on sites within 2 metres of the centre line of a public right of way and no polytunnels will be permitted on sites within 3 metres of the centre line of a bridleway.</p> <p>Polytunnels will not be permitted on sites within the fluvial floodplain ie Flood Zone 3.</p>		
<p><b>Policy WNL12 – Supporting New Communications Technologies and Broadband</b></p> <p>The development of new high speed broadband infrastructure to serve the Parish will be supported where it is sympathetically designed and sited.</p>	<p><b>Policy RA6 - Rural economy - as above.</b></p>	<p>Core Strategy Policy RA6 supports proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working and provision of new communication technologies will complement such activities.</p>
<p><b>Policy WNL13 – Supporting Community-Led Low Carbon Energy Schemes</b></p> <p>Proposals for small scale, community led energy schemes to meet the needs of local communities in the Parish will be supported where:</p> <ol style="list-style-type: none"> <li>1. Visual impact on the landscape must be minimised by landscaping and screening</li> </ol>	<p><b>Policy SD2 – Renewable and low carbon energy generation</b></p> <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>	<p>Core Strategy Policy SD2 provides strategic support for appropriate renewable energy generation.</p> <p>Policy WNL13 seeks to support suitable community led local schemes that may come forward over the plan period, subject to Group Parish level criteria.</p>

<p>as appropriate and restricting the size of the scheme.</p> <ol style="list-style-type: none"> <li>2. Noise must be controlled to acceptable levels</li> <li>3. Local adverse effects on wildlife (flora and fauna) must be avoided.</li> <li>4. Small scale hydro power projects will be supported where technically feasible.</li> <li>5. Small scale wind turbines will be supported subject to them not being visually intrusive or unduly noisy.</li> </ol>	<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; 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</li> </ul>	
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	<p>provision for recycling, and enabling renewable energy and energy conservation infrastructure; where possible, on-site renewable energy generation should also be incorporated; create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly;</p> <ul style="list-style-type: none"> <li>• ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and</li> <li>• utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;</li> </ul> <p>All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.</p>	
<p><b>Policy WNL14 – Renewable Energy Schemes</b></p> <p>Renewable energy schemes in the Parish will be supported subject to the following criteria:</p>	<p><b>Policy SD2 – Renewable and low carbon energy generation - as above.</b></p>	<p>Core Strategy Policy SD2 provides strategic support for appropriate renewable energy generation.</p>

<ol style="list-style-type: none"> <li>1. A transport study must be made as part of the application process for any wind turbine of 50KW and above to avoid damage to roads, verges, hedges and other infrastructure during transportation of component parts to the proposed site.</li> <li>2. Ecological survey work is required to be carried out in line with Natural England's Standing Advice for protected species, ancient woodland and veteran trees to demonstrate that the development will not harm species on, using or passing over the site, especially bats.</li> <li>3. Community based projects will be encouraged and supported in preference to commercial schemes.</li> <li>4. For wind turbines in excess of 15m to blade tip a residential minimum distance of 400m will be required.</li> <li>5. The scale, mass and design of any renewable technology must be appropriate to the landscape character and setting, and not be a dominant feature.</li> <li>6. Whilst each application will be judged on its own merits there will be a consideration as to cumulative impact both with regards to adjacent sites, and sites within the wider locality. Where this is considered to be detrimental to the</li> </ol>		<p>Policy WNL14 seeks to support suitable schemes that may come forward over the plan period, subject to Group Parish level criteria.</p>
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<p>landscape such applications will not be supported.</p> <p>7. Applications will be required to demonstrate that any noise or light pollution will not detract from the tranquillity and rural nature of the Parish.</p> <p>8. Due consideration will be given to siting to avoid danger to road users, livestock and horse riders. A recommended distance of 200m from the scheme to any bridleway or route habitually used by horse riders will be required.</p> <p>9. Small scale micro domestic renewable installations that are of negligible impact to neighbours will be supported.</p>		
<p><b>Policy WNL15 –Improving Local Footpaths, Bridleways, Cycleways and other Public Rights of Way</b></p> <p>Proposals which promote the improvement and extension of public footpaths, bridleways and other public rights of way will be supported.</p>	<p><b>Policy SS4 – Movement and transportation</b></p> <p>....</p> <p>Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded as required in future local or neighbourhood development plans and developer contributions, which meet the statutory tests, sought to assist with the delivery of new sustainable transport infrastructure, including that required for alternative energy cars.</p>	<p>Core Strategy Policies SS4 and MT1 promote walking and cycling as sustainable alternatives to private car use.</p> <p>Policy WNL15 reiterates that proposals which improve local provision for walkers, cyclists and horse riders are welcome and should be supported.</p>

	<p><b>MT1: Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</li> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;</li> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;</li> <li>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities</li> </ol>	
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	<p>and provide safe access for the emergency services;</p> <p>5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and</p> <p>6. have regard to with both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>	
<p><b>Policy WNL16 - Provision and Protection of Local Community Facilities</b></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</p>	<p>Core Strategy Policy SC1 protects local community facilities and Policy WNL16 supports this policy.</p>

<p>The change of use of existing community facilities to other uses will not be permitted unless the following can be demonstrated:</p> <ol style="list-style-type: none"> <li>1. The proposal includes suitable alternative provision of equivalent or enhanced facilities which are accessible by public transport, walking or cycling and have adequate car parking; or</li> <li>2. There is no longer a need for the facility.</li> </ol>	<p>available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.</p> <p>New development that creates a need for additional social and community facilities that cannot be met through existing social facilities - will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF .</p> <p>Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing).</p> <p>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</p>	
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	<p>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 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>	
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### **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.

#### **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 Environmental Report was first published in September 2016. The non-technical summary set out that:

*" The Welsh Newton and Llanrothal Parish have undertaken to prepare an NDP and this process has been subject to environmental appraisal pursuant to the SEA Directive. The Parish comprises of three small communities main settlements of Welsh Newton Common and Llanrothal itself. Majority of the population live in these three settlements and the remainder are scattered in homes and farms throughout the parish. The parish of*

*Welsh Newton and Llanrothal lies in the south west of Herefordshire close to Monmouthshire. There are 316 people located in the parish of Welsh Newton and Llanrothal.*

*The Draft Welsh Newton and Llanrothal NDP includes three overall objectives and eight Welsh Newton Common objectives, four Welsh Newton Objectives and five Llanrothal objectives. This will be delivered by sixteen generally criteria based planning policies, settlement boundaries are proposed here. One site is allocated for former garage site in Welsh Newton. Welsh Newton and Llanrothal have considered alternative approaches were considered prior to drafting the plan, these alternatives can be found in Appendix 5.*

*The environmental appraisal of the Welsh Newton and Llanrothal 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.*

*One policy within the NDP has been added and several has policy WNL3 has been amended as well, these have been rescreened in D3. The conclusion set out in the Draft Environment Report is still valid. That is, the Welsh Newton and Llanrothal NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Therefore, no further changes are recommended as a result of this SEA (stage D).*

*On the whole, it is considered that the Welsh Newton and Llanrothal 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). Nor does it propose any growth that would be over and above that prescribed by strategic policies.*

*Habitat Regulations Assessment (HRA) screening has been carried out as the Group Parish falls within the catchment for the River Wye, which is a European site (Special Area of Conservation). The HRA assesses the potential effects of the NDP on the River Wye SAC and Wye Valley Woodlands. All of the options, objectives and policies have been rescreened in the HRA to take into account the Wye Valley Woodlands SAC.*

*Overall it is considered that the Welsh Newton and Llanrothal 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). Nor does it propose any growth that would be over and above that prescribed by strategic policies. Therefore no changes to the NDP are recommended as a result of the SEA.*

*Once made (adopted) by Herefordshire Council, the effects of the policies within the Welsh Newton and Llanrothal NDP will be monitored annually via the Council's Annual Monitoring Report (AMR)."*

## **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 Group 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.

**4.0 First Examination, Withdrawal and Re-Submission**

**First Submission - October 2016**

4.1 The Plan was amended following consideration of representations made during the public consultation in Winter 2015 and submitted to Herefordshire Council on 31st October 2016. Following a further 6 weeks consultation by Herefordshire Council, an independent examination was undertaken in June 2017. The Examiner recommended that the Council should refuse to make the Plan as he considered that the Plan did not meet the Basic Conditions as it breached EU obligations relating to the SEA process. However the Examiner also included a number of recommended modifications to the policies in the NDP in order to address identified deficiencies in relation to national planning policy. Further detailed information about this is provided in the revised Consultation Statement, together with how the plan policies have been amended in response to the examiner's concerns.

**Withdrawal**

4.2 On 13 July 2017 Welsh Newton and Llanrothal Group Parish Council voted to withdraw the Neighbourhood Plan at this stage in order to reformulate the plan and resubmit within the coming months.

**Second Submission - 2018**

4.3 Following consideration of the Examiner's report, the Parish Council amended the NDP, Consultation Statement and Basic Conditions Statement and Herefordshire Council progressed further work on the SEA process.

4.4 The SEA and HRA reports all of the options, objectives and policies in the plan have been rescreened following the Examiner's comments to the SEA. The rescreening has strengthened the SEA providing further explanation and detail of why the policies have been selected. In addition to the existing options and policies, three settlement boundary alternative options have been screened in the SEA and HRA assessments. The HRA screening and report have been updated, in response to Case 323/1/Court of Justice of the European Union, people over Wind and Peter Sweetman v Coillte. The Court of Justice of the European Union (CJEU) ruled that article 6(3) of the Habitats Directive

must be interpreted as meaning that mitigation measures (referred to in the judgement as measures were intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce harmful effects of the plan or project on a European site at screening stage. The new HRA template includes a column on if the plan requires an appropriate assessment to determine if the plans policies have any adverse impact on the relevant SACS. The rescreened HRA concluded that an Appropriate Assessment was not required for Welsh Newton and Llanrothal Plan. The rescreened SEA and HRA will be re-submitted for regulation 16 and re consulted for six weeks then (if appropriate) submitted for a second examination.

- 4.5 The revised Welsh Newton and Llanrothal Neighbourhood Plan has been re-submitted to Herefordshire Council, along with other supporting documentation including a revised consultation statement, and a revised basic conditions statement and the work on Strategic Environmental Assessment. Herefordshire Council will consult on the Submitted Draft Plan for a further 6 weeks.