



BISHOPSTONE GROUP NEIGHBOURHOOD DEVELOPMENT PLAN

BASIC CONDITIONS STATEMENT

1 – Legal Requirements

- 1.1 This Statement has been prepared by Paul Walker Consultancy on behalf of the Bishopstone Group Parish Council to accompany its submission to the local planning authority Herefordshire Council of the Bishopstone Neighbourhood Plan ("the Neighbourhood Plan") under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations")
- 1.2 The Neighbourhood Plan has been prepared by Bishopstone Group Parish Council
- 1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan is from 2016 to 2031 and it does not contain policies relating to excluded development in accordance with the Regulations.
- 1.4 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.
- 1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
 - Having regard to national planning policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 - The making of the neighbourhood development plan contributes to the achievement of sustainable development;

- The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the neighbourhood development plan does not breach, and is compatible with EU obligations.

2 – Introduction and Background

- 2.1 The Bishopstone Group Parish has undertaken a Neighbourhood Development Plan. The group Parish comprises of the parishes of Bishopstone, Bridge Sollars, Byford, Kenchester and Mansell Gamage. The group parish of Bishopstone lies approximately 6 miles to the west of Hereford. There is no shop, doctor's surgery, school, post office, public house or petrol station and there is a limited bus service between Eardisley and Hereford. A small community centre was opened in 2011 in part of Bridge Sollars church.
- 2.2 The Basic Condition Statement was introduced at the time of Regulation 16 when the draft NDP was produced
- 2.3 The Neighbourhood Development Plan has been publically examined by the Government Inspector Rosemary Kidd and the Basic Condition Statement has been modified in 2019 following her recommendations
- 2.4 The Parish Council applying for a designated neighbourhood area on 17th January 2013. A regulation 14 draft plan was submitted on 29th September 2016 with ongoing discussions with the Council and other statutory bodies.
- 2.5 In 2013 the parish council organised an Open Evening for residents to discuss the NDP and identify the issues concerning residents and what they wanted to see included within the Plan. The steering group prepared a questionnaire using this information and all residents were notified with this document. An 86% response rate was achieved and their responses were analysed and a further Drop in Open Day followed together with the responses publicised on the parish website and in local venues.
- 2.6 The steering group drew up Draft Policies based on these results and on the policies of the Herefordshire Core Strategy with a copy of the Plan delivered to all households. Further consultation was again

carried out by means of a Drop In and publicity on the parish website and at local venues.

- 2.7 The draft NDP includes 4 objectives BO1, BO2, BO3 and BO4 and it is intended that these objectives will be delivered by 9 criteria based planning policies with one site identified for potential development with settlement boundaries also proposed to control any new development.
- 2.8 The environmental appraisal of the NDP has been undertaken in line with the Environmental Assessment of Plan Programmes Regulations 2004 and a report prepared by Herefordshire Council was issued in February 2018. This was supported with a Habitats Regulation Assessment issued by the Council in February 2018.

3 - Conformity with National Planning Policy

- 3.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in respect of formulating neighbourhood plans.
- 3.2 Specifically Para 16 together with Paragraphs 183 to 185 of the NPPF have been identified as the specific government policies towards the preparation of Neighbourhood Plans. These seek to provide policies for the presumption of sustainable development with clear policies that will guide how the presumption should be applied locally. The Neighbourhood Plan sets out planning policies to determine planning applications and enables the “tool” for local people to get the right types of development for their community.
- 3.3 Set out in Table 1 below is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all relevant paragraphs.

Policy H1	Housing in Bishopstone	NPPF Para
1+2	provides strategic needs and reuse of buildings to support sustainable growth	16 and 28

3	provide mix of housing and affordable housing incorporating community village green/play area	47,50,54,57,58 and 69
4	conversion of redundant buildings and reuse of listed buildings	28 and 55
5	building developments of single dwellings and defined village limits	50 and 55
6	outside development limits	55

Policy H2	Housing in Byford	NPPF Para
1+2	Defines development limits and proposals for infill sites	28,50,54 and 111
3	conversion of rural buildings	28 and 55
4	outside development limits	55

Policy H3	Housing in Bridge Sollars, Kenchester and Mansell Gamage	NPPF Para
1	Rural exceptions provision	55

Policy G1	Housing and Development Sites and Design	NPPF Para
1	Defining volume of development	15 and 28
2a	Promote quality of development	47 and 50

2b, 2c, 2d, 2e, 2f, 2g	Promote design and assimilation	56, 57 and 58
2h	Highway safety and access	69
2i	Flood risk impact	94, 99 and 100

Policy G2	Flooding	NPPF Para
1	Need for flood risk assessment	100
2	Need for sustainable surface water drainage systems	100, 102 and 104
3	Control of surface water	104

Policy G3	Business development and homeworking	NPPF Para
1	Promote small scale business	28 and 111
2	Home working	28
3	Improve broadband and telecommunications	28 and 45

Policy G4	Traffic and Transport	NPPF Para
1	Appropriate measures to mitigate traffic	28 and 162
2	Improve road safety	28

Policy G5	Tourism	NPPF Para
1	Defining tourism proposals	28 and 111

Policy G6	Historic landscape and gardens	NPPF Para
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1	Respect and preserve historic landscape and gardens	126,127 and 128
2	Enhance existing green infrastructure	74,76 and 77

4 Conformity with Strategic Policies of the Development Plan

- 4.1 -The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for Herefordshire Council.
- 4.2 – The development plan for this area is the Herefordshire Adopted Core Strategy Local Plan which was adopted by Herefordshire Council on 16 October 2015.
- 4.3 The Submission Neighbourhood Development Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Core Strategy (2011-2031).
- 4.4 Planning Practice Guidance 2014 in para 009 states that “Neighbourhood plans when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its LOCAL PLAN.”
- 4.5 Para 9 continues “A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if is to meet BASIC CONDITIONS. A draft Plan or Order is not tested against the policies in an emerging Local plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

4.6 Table 2 below sets out the way that the Neighbourhood Development Plan conforms to the relevant strategic policies from the adopted Plan, the Core Strategy Local Plan for Herefordshire.

TABLE2 Conformity with Local Strategy Policy

Bishopstone Group Neighbourhood Plan	Herefordshire Local Plan Core Strategy 2011-2031
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Policy H1 Housing in Bishopstone	Policy S1 – Presumption in favour of Sustainable development
Policy H2 Housing in Byford	Policy RA1 –Rural housing distribution
Policy H3 Housing in Bridge Sollars, Kenchester and Mansell Gamage	Policy RA2 Housing in settlements outside Hereford and the market towns
	Policy H3 Ensuring an appropriate range and mix of housing
	Policy H2 –Rural exceptions sites
	Policy RA5 – Reuse of rural buildings
	Policy RA4 –Agriculture, forestry and rural enterprise dwellings

The Neighbourhood Plan has addressed the aims of the Development Plan through identifying a scale of development appropriate to the character and scale of the villages and to meet the sustainable needs of the villages within the Plan area. Outside the new development limits, provision is made for rural exceptions.

Policy G1 Housing development sites and design	Policy H3 Ensuring an appropriate range and mix of housing
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One site is identified for development to sustain the village of Bishopstone utilising a range of housing types and requires a mixture of small infill housing sites to meet the objectives of the Core Strategy policies.

Policy G2 Flooding	Policy SS1 - Presumption in favour of sustainable development Policy SS6 - Environmental quality and local distinctiveness Policy SS7 – Addressing climate change
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Mitigation measures are identified to address local problems within the villages while meeting sustainable objectives to direct housing to appropriate locations.

Policy G3 Business Development and home working	Policy E1 Employment Issues Policy E3 Homeworking Policy RA6 Rural Economy Policy MT1 Traffic management, highway safety and promoting active travel
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Small scale business are identified as acceptable and meet the objectives of the Core Strategy policies to meet a scale appropriate for the location and meet transport accessibility objectives.

Policy G4 Traffic and Transport	Policy MT1 Traffic Management, highway safety and promoting active travel
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The policy seeks to ensure that any development proposals will enable the local and strategic highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of local and other traffic.

Policy G5 Tourism	Policy RA6 Rural economy Policy RA5 Reuse of rural buildings Policy E4 Tourism
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The policy seeks to sustain small scale extensions to existing businesses and those of an appropriate scale meeting the Core Strategy objectives.

<p>Policy G6 Historic Landscape and Green Infrastructure</p>	<p>Policy SS6 Environmental quality and local distinctiveness</p> <p>Policy LD1 Landscape and Townscape</p> <p>Policy LD2 Biodiversity and geodiversity</p> <p>Policy LD3 Green infrastructure</p> <p>Policy SS1 Presumption in favour of sustainable development</p> <p>Policy SS4 Movement and Transportation</p>
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The Neighbourhood Plan policy identifies the need to manage and plan for the preservation of existing and delivery of new green structure meeting Local Core objectives.

- 4.7 The Neighbourhood Plan does contribute to the delivery of sustainable development. This is summarised through the following observations.
- 4.8 The community is made up of people of all ages.
- 4.9 There is a limited bus service between Eardisley and Hereford and a small community centre located within the Parish. The aims of the NP are in scale to the retention of these facilities and services as a sustainable community.
- 4.10 Sustainable development is delivered in a community where there is a healthy balance between community, economic and environmental needs. This includes providing opportunities for limited housing, local employment and for growth of local businesses (tourist and working from home)
- 4.11 The NP aims to deliver sustainable development through encouraging the use of public transport and the use of cycling and the provision of a walking network. Improvements to the electronic communications network are also involved.

5 Compatibility with EU Obligations, **Human Rights Assessment** and Legislation

- 5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

- 5.2 The Neighbourhood Development Plan has been subject to an SEA Screening Assessment undertaken by Herefordshire Council in February 2018. The Strategic Environmental Assessment advised that it is fully comprehensive and sufficiently robust to support the NDP during the latter stages of the full public consultation. A Habitats Regulation Assessment (HRA) was also prepared in February 2018 to assess whether any European sites exist or in proximity to the neighbourhood area covered by the Plan. The River Wye (including River Lugg) is identified as a European Site covered within this Neighbourhood Plan and the HRA advised that the Bishopstone Neighbourhood Plan will not have a likely significant effect through its policies and objectives on the River Wye site.
- 5.3 The making of the NDP is not likely to have a significant effect on European Sites (as defined) in the Conservation of Habitats and Species Regulations 2010(d) or a European offshore marina site (as defined in the Offshore Marine Conservation (Natural Habitats & c) Regulations 1989) either alone or in combination with other plans or projects. The screening advice obtained from the local planning authority is that the Neighbourhood Plan will not lead to likely significant effects upon a European site or cause adverse impacts upon other environmental assets such as the built historic or local natural environment.
- 5.4 The European Directives 92/2001/42/EC (SEA directive), 92/43/EEC (conservation of wildlife habitats), 2009/147/EC (conservation of wild birds), 2008/50/EC (Air Quality Directive), 2000/60/EC (Water Framework Directive) are also relevant to the preparation of the NDP and have been assessed through the preparation of the policies in the NDP.
- 5.5 The Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulations and policy guidance which are both compatible with the Convention. The Plan has been prepared 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 or district level as demonstrated below.
- 5.6 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (The Convention). The Convention includes provisions through the form of Articles, the aim of which is to protect the rights of individuals.
- 5.7 Section 6 of the Act prohibits public bodies from acting in a manner which is incompatible with the Convention.
- 5.8 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 rights of everyone in the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions imposed by law and the general principles of international law. The submitted NP is fully compatible with the rights outlined in this Article. Although the submitted NP includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on is used in the most sustainable way avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the rights to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations on its proposals at various stages and an independent examination process to consider representations that are received.

Article 14 provides that " The enjoyment of the rights and freedom 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 or other status." The Parish Council have developed the policies and proposals within the Plan in full consultation with the community and other stakeholders to produce as inclusive a document as possible and in general terms the policies and proposals will not have a discriminatory impact on any particular group of individuals.

5.9 The Submission of this Neighbourhood Development Plan is fully compatible with EU obligations and the Assessment on Human Rights.

development rights provided for in the national law namely the Planning and Compulsory Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrated by ensuring that the land