

Garway Neighbourhood Development Plan 2019 - 2031

Basic Conditions Statement

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



Garway Parish Council with assistance from



June 2019

1.0 INTRODUCTION

1.1 Planning Practice Guidance ([Paragraph: 065 Reference ID: 41-065-20140306](#)) 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 Garway Neighbourhood Development Plan has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the NDP independent Examiner.

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 Garway Parish Council.

2.2 What is being proposed is a neighbourhood development plan

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

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

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2019 to 2031 (the same period as the Herefordshire Local Plan Core Strategy, Adopted October 2015).

2.4 The policies do not relate to excluded development

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

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

The Neighbourhood Plan proposal relates to the designated Garway Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area. The Designated Neighbourhood Plan Area has the same boundary as that of the Parish at the time of the designation and is shown on Figure 1 in the Garway Neighbourhood Development Plan.

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 Garway Neighbourhood Development Plan has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework ([NPPF](#)) (February 2019).

2. Achieving Sustainable Development

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

Table 1 sets out how the Garway Neighbourhood Development Plan delivers the 3 overarching Objectives:

Table 1 Delivering Sustainable Development

| NPPF Overarching Objectives | Garway Neighbourhood Development Plan Policies and Proposals |
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| <p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p> | <p>Garway Neighbourhood Development Plan provides a supportive framework for the rural economy which is appropriate to its rural location.</p> <p>Policy GAR9 aims to provide a supportive framework for new rural businesses and homeworking in the parish, and GAR10 seeks to promote tourism development in the parish.</p> |
| <p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment,</i></p> | <p>Garway Neighbourhood Development Plan recognises the importance of contributing to the social sustainability of the local community.</p> |

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| <p><i>with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</i></p> | <p>Policy GAR1 supports new housing in Garway and Broad Oak within defined settlement boundaries and also allocates sites for development and includes a list of criteria for new housing sites.</p> <p>Policy GAR2 seeks to ensure high quality design in all new development</p> <p>In addition, GAR7 seeks to protect and improve community facilities, whilst GAR10 seeks appropriate highway measures to minimise the impact of development.</p> |
| <p><i>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p> | <p>Garway Neighbourhood Development Plan has a strong emphasis on environmental sustainability.</p> <p>Objective 2 is to protect the rural character of both the village and countryside, Objective 3 is to ensure new development is integrated into its setting, Objective 4 is to protect the areas distinctive identity, and Objective 8 seeks to preserve the landscape and dark skies.</p> <p>Policy GAR2 seeks to ensure high quality design in all new development, GAR4 seeks to protect local landscape character and GAR5 protect the dark skies. Gar 6 seeks to protect the rural environment and the tranquillity of the area.</p> <p>Managing flood risk and drainage is addressed in Policy GAR3</p> |

3. Plan Making

In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the Garway Neighbourhood Development Plan addresses each of these in turn.

Table 2 Plan Making

| NPPF Plan Making | Garway Neighbourhood Development Plan |
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| a) be prepared with the objective of contributing to the achievement of sustainable development; | The Garway Neighbourhood Development Plan has been prepared to contribute to sustainable development; Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives. |
| b) be prepared positively, in a way that is aspirational but deliverable; | <p>The Garway Neighbourhood Development Plan has been prepared positively and has included a formal Regulation 14 public consultations and several informal public consultations on emerging policies and proposals and allocations. The Parish Council, through the Steering Group, has worked hard to ensure policies are positively worded to "support" suitable and appropriate development subject to locally relevant criteria. The identification of the settlement boundaries has included informal and formal consultation with residents and local landowners.</p> <p>The design policies in the NDP set out robust and aspirational criteria which reflect local concerns about the need for housing to respond to the existing local vernacular in terms of scale, density and materials and to be of a high quality in design terms.</p> |
| c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; | <p>The accompanying Consultation Statement sets out the details of the community consultation and engagement activities which have been undertaken since 2016. Briefly this has included:</p> <ul style="list-style-type: none"> • Initial informal consultation with Parishioners, and a call for sites November 2017 to January 2018 |

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| | <ul style="list-style-type: none"> • Informal consultation on the draft Neighbourhood Development Plan and proposed site allocations in June 2018. • Regulation 14 Formal Consultation on the Garway Draft Neighbourhood Development Plan – 23rd January 2019 to 6th March 2019 <p>Consultations were promoted using posters and the parish website. The documents were placed on the NDP section of the Parish Council website and an open meeting was held.</p> <p>Comments and representations have been submitted throughout the process by residents, landowners, the local authority and by consultation bodies. At each stage representations have been considered carefully and appropriate amendments to the Neighbourhood Development Plan made.</p> |
| <p>d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;</p> | <p>The NDP policies and proposals have been prepared by a steering group of local residents and parish councillors, with support from a planning consultant and planning officers at Herefordshire Council.</p> <p>Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.</p> |
| <p>e) be accessible through the use of digital tools to assist public involvement and policy presentation; and</p> | <p>Updates and documents have been provided on the NDP section of the Parish Council website at all stages of plan preparation.</p> |
| <p>f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).</p> | <p>The Garway Neighbourhood Development Plan has been amended to reduce duplication both of policies within the Herefordshire Local Plan Core Strategy and duplication with national policies.</p> |

The Plan Making Framework

Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The Garway Neighbourhood Development Plan contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Herefordshire Core Strategy.

Non-strategic policies

Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. Garway Neighbourhood Development Plan promotes more development than that proposed in the Core Strategy and supports the strategic policies and does not undermine them.

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

5. Delivering a sufficient supply of homes

Paragraph 65 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The Garway Neighbourhood Development Plan has been prepared in the context of Core Strategy Policy RA1 which sets out the minimum growth figure for Ross-on-Wye Rural Housing Market Area as 14% or a minimum of 25 new houses in the Parish by 2031. Core Strategy Policy RA2 identifies two settlements for housing growth in the Parish. Garway is identified in Table 4.14, as the settlement which is the main focus of proportionate housing development, with Broad Oak identified in Table 4.15 as another settlement where proportionate growth is appropriate. (Outside these settlements the rural area policies of the Herefordshire Core Strategy (Policies RA3, RA4 and RA5) will apply.) The Garway Neighbourhood Development Plan directs growth towards the 2 settlements by identifying settlement boundaries and including policies which support suitable housing development within these boundaries.

Paragraph 69 sets out that neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area. The Garway Neighbourhood Development Plan includes two small sites as allocations for future housing development.

The Parish is located within a rural area. Paragraph 78 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Garway Neighbourhood Development Plan supports this principle by guiding new development proposals to the settlements as identified in the Core Strategy.

6. Building a strong, competitive economy

Paragraph 83 advises that In rural areas planning policies should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. The Garway Neighbourhood Development Plan addresses economic development in Policy GAR8 and GAR9 and seeks to protect community facilities in Policy GAR7.

8. Promoting healthy and safe communities

Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The Garway Neighbourhood Development Plan includes criteria within policies which promote walking and cycling and access to the open countryside using footpaths and pedestrian links.

9. Promoting sustainable transport

Paragraph 102 advises that opportunities to promote walking, cycling and public transport use should be identified and pursued. Walking, cycling and use of public transport are promoted in the Garway Neighbourhood Development Plan in policies addressing design, and highways.

11. Making effective use of land

Paragraph 118 advises that planning policies should a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; and b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production. The Garway Neighbourhood Development Plan supports habitat protection and creation in landscape policies and promotes accessibility to the countryside and seeks to allocate a former brownfield site for future development.

Achieving appropriate densities

Paragraph 122 sets out that planning policies and decisions should support development that makes efficient use of land, taking into account, amongst other things, d) the desirability of maintaining an area's prevailing character and setting (including residential gardens). The Garway Neighbourhood Development Plan recognises and refers to the character of existing settlements in the Parish and requires development to respond to the village and landscape patterns.

12. Achieving well-designed places

Paragraph 124 explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Garway Neighbourhood Development Plan includes a policy which promotes high quality design which responds to existing character and context. All policies have been consulted upon with the local community.

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

Planning and flood risk

Paragraph 148 advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 157 sets out that plans should avoid, where possible, flood

risk to people and property. They should do this, and manage any residual risk, by various measures including c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques). Garway Neighbourhood Development Plan includes Policy GAR3 to help manage flooding and drainage in the parish.

15. Conserving and enhancing the natural environment

Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside. Garway Neighbourhood Development Plan Policies GAR4 and GAR5 protect and enhance local landscape character and wildlife habitats.

Ground conditions and pollution

Paragraph 180 sets out that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes considering such matters as noise and light pollution. Garway Neighbourhood Development Plan Policies GAR1 and GAR5 protect local residential amenity and address matters such as noise and light pollution.

16. Conserving and enhancing the historic environment

Paragraph 184 advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 185 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. NDP Policy GAR2 aims to protect and enhance built heritage by promoting design that is in context with the surrounding area.

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

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

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

The Plan area does not include any Conservation Areas.

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

3.4 d. Contributes to the Achievement of Sustainable Development

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

3.5 e. In General Conformity with Strategic Local Planning Policy

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Local Plan Core Strategy 2011 - 2031 which was adopted in October 2015. Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the Core Strategy.

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

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| <p>Policy GAR1: New Housing Development in Garway Village and Broad Oak</p> <p>Within the defined settlement boundaries of Garway Village (Map 1) and Broad Oak (Map 2) or on a site allocated for residential development in this Neighbourhood Plan, new housing development proposals will be supported when they:</p> <ul style="list-style-type: none"> a. Re-use previously developed land, where possible; b. Are an appropriate conversion of an existing building; c. Are appropriate to the size, role and function of the village; d. Provide a range and mix of house sizes, types and tenures; e. Enhance the rural character of the area, by being in accordance with the design policy in this plan; f. Do not increase traffic congestion, encourage on-street parking, or jeopardise road safety; g. Are not likely to be adversely affected by existing agricultural or commercial activity' | <p>Policy RA1 – Rural housing distribution 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>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> <p>Rural HMA: Ross on Wye Approximate number of dwellings 2011 – 2031: 1150</p> | <p>Garway Neighbourhood Development Plan area and parish lies within the Ross on Wye rural HMA.</p> <p>NDP Policy GAR1 identifies settlement boundaries for Garway and Broad Oak and sets out locally appropriate criteria to guide new development proposals.</p> <p>Core Strategy Policy RA1 identifies a housing growth target of at least 14% for Ross on Wye rural Housing Market Area. This has been almost been reached in Garway with the commitments to date. However, the Parish Council is committed to some further growth to provide for local needs and to support local services and has allocated two further sites for future development.</p> <p>Policy GAR1 sets out criteria for new development in the identified settlements of Garway and Broad Oak.</p> <p>This is in general conformity with Core Strategy Policy RA2 which provides general criteria for residential development in rural areas and Policy H3 which sets out that residential developments should</p> |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| <p>h. Do not lead to the loss, damage or detriment of existing community facilities, Local Green Space, Special Wildlife Sites or assets on the National Heritage List for England and Herefordshire Council’s Monuments Record;</p> <p>i. Do not lead to the loss of local employment opportunities, including tourism;</p> <p>j. Are not at significant risk of flooding and they can demonstrate they will not increase the risk of flooding elsewhere;</p> <p>k. Where applicable, they provide appropriate affordable housing when assessed against Herefordshire Core Strategy Policy H1: and</p> <p>l. Comply with, in Garway Village, the linear character of the layout of the village.</p> <p>1. m. Are not likely to be adversely affected by agricultural or commercial activity.</p> | <p>Indicative housing growth target (%) 14%</p> <p>Policy RA2 – Housing in settlements outside Hereford and the market towns. 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 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"> 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 | <p>provide a range and mix of housing to meet needs of all households.</p> |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| | <p>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;</p> <ol style="list-style-type: none"> 2. Their locations make best and full use of suitable brownfield sites wherever possible; 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 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>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>Figure 4.14: The settlements which will be the main focus of proportionate housing Development: Garway</p> | |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| | <p>Figure 4.15: Other settlements where proportionate housing is appropriate: Broad Oak</p> <p>Policy H3 – Ensuring an appropriate range and mix of housing</p> <p>Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. In particular, on larger housing sites of more than 50 dwellings developers will be expected to:</p> <ol style="list-style-type: none"> 1. provide a range of house types and sizes to meet the needs of all households, including younger single people; 2. provide housing capable of being adapted for people in the community with additional needs; and 3. provide housing capable of meeting the specific needs of the elderly population by: <ul style="list-style-type: none"> - providing specialist accommodation for older people in suitable locations; - ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population; - ensuring that developments contain a range of house types, | |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| | <p>including where appropriate, bungalow accommodation.</p> <p>The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.</p> | |
| <p>Policy GAR2: Design in Garway Parish</p> <p>All new development in the area will be expected to be of high quality design. Proposals will be assessed against the following criteria:</p> <p>a. Contribution to improving and enhancing the built heritage and natural environment of the site and its surroundings;</p> <p>b. The overall design of the proposal in terms of siting, scale, height, proportions, massing, orientation, mix of uses, detailing, and materials;</p> <p>c. The design does not adversely impact on existing natural horizons, and has appropriate regard to existing roof lines;</p> <p>d. The design does not adversely impact on the residential amenity of existing and future residents;</p> <p>e. Sustainable construction and design is used to minimise the use of resources and emissions and use recycled materials, renewable</p> | <p>Policy SS6 - Environmental quality and local distinctiveness</p> <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county's residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:</p> <ul style="list-style-type: none"> • landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty; • biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest; | <p>Policy GAR2 seeks to protect local character by requiring new development to respond to local distinctiveness. The criteria have been prepared taking into consideration the wishes of the community.</p> <p>This is in general conformity with Core Strategy Policy SS6 which provides broad, strategic criteria requiring development to respond to the county's distinctiveness and to consider landscapes and townscapes.</p> <p>In addition, Core Strategy Policy LD1 requires development proposals to demonstrate how the character of the landscape and townscape has positively influenced the design.</p> |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| <p>energy and the natural treatment of wastewater and the re-use of grey water, wherever possible;</p> <p>f. The use of locally-sourced or recycled natural slate tiles for roofing and local stone for walling is encouraged;</p> <p>g. Use of suitable native species in any planting and inclusion of bird nest boxes and roosting opportunities for bats; and</p> <p>1. h. Access and highway safety, including the provision of new and improved pedestrian footpaths and footways, permissive pedestrian rights of way and cyclepaths, and provision of safe pedestrian road crossings where required and feasible.</p> | <ul style="list-style-type: none"> • historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings; • the network of green infrastructure; • local amenity, including light pollution, air quality and tranquillity; • agricultural and food productivity; • physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation. <p>The management plans and conservation objectives of the county’s international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, Neighbourhood Development Plans and Supplementary Planning Documents should inform decisions upon proposals.</p> <p>Policy LD1 – Landscape and townscape Development proposals should:</p> <ul style="list-style-type: none"> - 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; | |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| | <ul style="list-style-type: none"> - 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; - 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. | |
| <p>Policy GAR3 – Flooding and Drainage</p> <p>All new development is required to include adequate surface water drainage measures (including Sustainable Drainage Systems) to protect existing and new development from flooding.</p> <p>Development should be designed to reduce the consequences of flooding and to facilitate recovery from the effects of flooding.</p> | <p>Policy SD3 – Sustainable water management and water resources</p> <p>Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:</p> <ol style="list-style-type: none"> 1. development proposals are located in accordance with the Sequential Test | <p>Policy GAR3 recognises that some areas within the Parish are at risk of flooding and seeks to guide development towards areas of lowest flood risk or to demonstrate that they are safe and provide betterment where possible. Suitable SuDS should be incorporated.</p> <p>This is in general conformity with Core Strategy Policy SD3 which requires development to be located in accordance with the sequential test and to be safe and to use SuDS where appropriate.</p> |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| <p>All development of existing properties (including alterations) must demonstrate that surface water is diverted into suitable and adequate drainage systems and not sewers.</p> | <p>and Exception Tests (where appropriate) and have regard to the Strategic Flood Risk Assessment (SFRA) 2009 for Herefordshire;</p> <ol style="list-style-type: none"> 2. development is designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence; 3. where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime; 4. development will not result in the loss of open watercourse and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted; 5. development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. | |

| Garway Neighbourhood Development Plan Policies | Herefordshire Local Plan Core Strategy Policies | General Conformity |
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| | <p>Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible;</p> <p>6. water conservation and efficiency measures are included in all new developments.</p> | |
| | <p>Policy LD1 – Landscape and townscape</p> <p>Development proposals should:</p> <ul style="list-style-type: none"> - 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; - 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; - 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 | <p>Policy GAR4 aims to protect the local landscape character by ensuring that developments take account of and respect their surroundings.</p> <p>Policy GAR4 also seeks to protect local landscape character by protecting local features such as mature native trees and hedgerows, watercourses and traditional habitats.</p> <p>This is in general conformity with Core Strategy Policies LD1 and LD2 which requires development to incorporate landscaping schemes which integrate appropriately into their surroundings and to maintain and extend tree cover and protect biodiversity and geodiversity.</p> |

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| | <p>of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.</p> <p>Policy LD2 – Biodiversity and geodiversity</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"> 1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows: <ol style="list-style-type: none"> a. Development that is likely to harm sites and species of European Importance will not be permitted; b. Development that would be liable to harm Sites of Special Scientific Interest or nationally protected c. 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; d. Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will | |

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| | <p>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>e. 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> <p>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> | |
| <p>Policy GAR5 - Dark Skies</p> <p>To minimise light pollution in the parish and to improve the views of our night-time skies, planning proposals that include external lighting and significant openings that would allow internal lighting to be seen externally, will have to demonstrate the following:</p> | <p>Policy SS6 – Environmental quality and local distinctiveness</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 historic assets and especially those with specific environmental designations. In</p> | <p>Policy GAR8 identifies the dark skies in the neighbourhood area as a key environmental asset in this part of rural Herefordshire. The assets that make this neighbourhood area distinctive and are central to retaining its environmental quality. Core Strategy Policy SS6 specifically identifies light pollution and Policy GAR5 provides detailed policy to</p> |

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| <p>a) They have undertaken an appropriate assessment and can demonstrate the need for the lighting proposed;</p> <p>b) That care has been taken to provide appropriate lighting, using systems designed to prevent obtrusive lighting nuisance, minimise light pollution and reduce energy consumption.</p> | <p>addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy.</p> <p>Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:</p> <ul style="list-style-type: none"> • landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty; • biodiversity and geodiversity; • historic environment and heritage assets; • the network of green infrastructure; • local amenity, including light pollution, air quality and tranquillity; • agricultural and food productivity and soils; • physical resources, including minerals, management of waste, the water environment, renewable energy and energy conservation. <p>Policy LD1 –Landscape and townscape See above</p> | <p>ensure that this is minimised, and the area’s dark skies retained. Policy GAR5 is in general conformity with Core Strategy Policy SS6.</p> |
| <p>Policy GAR6 – Rural Environment and Tranquillity</p> | <p>Policy SS6 – Environmental Quality and Local Distinctiveness</p> | <p>Policy GAR6 identifies the key environmental assets in this part of rural</p> |

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| <p>To protect the integrity of the rural environment and the tranquillity of the parish, development proposals will be supported when they do not give rise to significant adverse impacts on these resources. The following criteria will be used to assess proposals:</p> <p>a. The use, nature, scale, type of activity and opening hours (where appropriate) of any proposal;</p> <p>b. For business and tourism proposals a Noise Impact Assessment will be required with any planning application, and may be required, in certain circumstances, for other forms of development; and</p> <p>a) c. The inclusion of suitable mitigation measures to reduce to a minimum any significant adverse impact. Such measures will be conditioned where necessary.</p> | <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:</p> <ul style="list-style-type: none"> • landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty; • biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest; • historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings; • the network of green infrastructure; • local amenity, including light pollution, air quality and tranquillity; • agricultural and food productivity; | <p>Herefordshire. The assets that make this neighbourhood area distinctive and are central to retaining its environmental quality. Core Strategy Policy SS6 specifically identifies tranquillity and Policy GAR6 provides detailed policy to ensure that this is retained.</p> <p>Policy GAR6 is in general conformity with Core Strategy Policy SS6.</p> |

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| | <ul style="list-style-type: none"> physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation | |
| <p>Policy GAR7- Protecting and Improving Community Facilities</p> <p>The following local recreational facilities are protected:</p> <ul style="list-style-type: none"> Village Hall Community Centre Garway Inn Garway School Churches <p>There will be a presumption in favour of the re-use of such facilities for recreational, health, community type uses. The change of use of existing facilities to other uses will not be permitted unless the following can be demonstrated:</p> <p>1. The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or</p> | <p>Policy SC1 - Social and community facilities</p> <p>Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.</p> <p>New development that creates a need for additional social and community facilities that cannot be met through existing social facilities - will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF.</p> <p>Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including</p> | <p>Policy GAR7 adds additional information to Policy SC1 of the Core Strategy to enable specific criteria to be used to determine planning applications. It also provides a list of what are seen to be community facilities.</p> <p>Policy GASR7is in general conformity with Core Strategy Policy SC1.</p> |

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| <p>2. it can be satisfactorily demonstrated that the facility is no longer required or is no longer viable.</p> <p>Development which contributes towards the improvement of existing, or provision of, new recreational, community and educational facilities will be encouraged.</p> | <p>facilities for disabled people and baby changing).</p> <p>Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.</p> | |
| <p>Policy GAR8 – Tourism in Garway Parish</p> <p>Proposals for new tourism development or to improve and enhance existing tourism facilities will be supported when:</p> <p>a. They are appropriate within the local landscape setting;</p> <p>b. They do not have a significant adverse impact on the landscape, tranquility or views within the wider parish;</p> <p>c. They do not result in a detrimental impact on road safety, traffic congestion or car parking problems; and</p> | <p>Policy RA6 - Rural economy</p> <p>Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:</p> <ul style="list-style-type: none"> • support and strengthen local food and drink production; • 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; | <p>Policy GAR8 supports proposals for new tourism development in the parish subject to locally appropriate criteria.</p> <p>This is in general conformity with Core Strategy Policy RA6 which supports the rural economy and rural diversification.</p> |

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| <p>d. They do not have a significant adverse impact on residential amenity.</p> | <ul style="list-style-type: none"> • involve the small scale extension of existing businesses; • promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism; • promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced; • support the retention of existing military sites; • support the retention and/ or diversification of existing agricultural businesses; Planning applications which are submitted in order to diversify the rural economy will be permitted where they: • ensure that the development is of a scale which would be commensurate with its location and setting; • do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell; • do not generate traffic movements that cannot safely be accommodated within the local road network; and • do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4. | |
| <p>Policy GAR9 – Rural Businesses and Homeworking</p> | <p>Policy RA6 - Rural economy Employment generating proposals which help diversify the rural economy such as</p> | <p>Policy GAR9 supports proposals for new rural business and homeworking in the</p> |

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| <p>Proposals for new rural businesses and homeworking will be encouraged when they meet the following criteria:</p> <p>a. They do not have a significant adverse impact on residential amenity;</p> <p>b. They do not have an adverse impact on the landscape, tranquillity or Green Infrastructure network of the parish; and</p> <p>c. They include suitable access and car parking.</p> | <p>knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:</p> <ul style="list-style-type: none"> • support and strengthen local food and drink production; • 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; • involve the small scale extension of existing businesses; • promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism; • promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced; • support the retention of existing military sites; • support the retention and/ or diversification of existing agricultural businesses; Planning applications which are submitted in order to diversify the rural economy will be permitted where they: | <p>parish subject to locally appropriate criteria.</p> <p>This is in general conformity with Core Strategy Policy RA6 which supports the rural economy and rural diversification.</p> |

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| | <ul style="list-style-type: none"> • ensure that the development is of a scale which would be commensurate with its location and setting; • do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell; • do not generate traffic movements that cannot safely be accommodated within the local road network; and <p>do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.</p> | |
| <p>Policy GAR10– Highways and Transport</p> <p>All new development proposals should include appropriate measures to minimise their impact on the Neighbourhood Development Plan Area by providing:</p> <ul style="list-style-type: none"> a. Safe and suitable access by focusing development on the main road that forms the spine of the linear Garway Village b. Any necessary and appropriate traffic management measures; c. Off-road car parking that avoids the use of large areas of hardstandings, particularly using materials more appropriate to urban locations. All car parking should be appropriately | <p>Policy MT1 Traffic management, highway safety and promoting active travel</p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> 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; 2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature | <p>Policy GAR10 recognises the potential impacts on the area from the proposed development give the rural nature of the parish, and seeks to establish a local set of criteria to assess future proposals against</p> <p>This is in general conformity with Core Strategy Policy MT1</p> |

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| <p>sited and screened within the landscape; and</p> <p>a. d. Access to public transport including the creation of permissive footpaths to bus stops, where appropriate.</p> | <p>and location of the site), including access to services by means other than private motorised transport;</p> <p>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;</p> <p>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;</p> <p>5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and</p> <p>6. have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.</p> | |

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| | 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 | |

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).

Additional Basic Conditions (December 2018)

(see National Planning Practice Guidance (para Paragraph: 079 Reference ID: 41-079-20140306)

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out 2 basic conditions in addition to those set out in the primary legislation. Only one is relevant to the NDP. This is:

The making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012(as amended) in relation to the examination of neighbourhood development plans.)

Strategic Environmental Assessment (SEA)

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

The Environmental Report for Garway Neighbourhood Area was published by Herefordshire Council in November 2018 based on the revised and updated Regulation 14 Draft Plan. The non-technical summary (p1) sets out that:

" Strategic Environmental Assessment (SEA) is an important part of the evidence base which underpins Neighbourhood Development Plans (NDP), as it is a systematic decision support process, aiming to ensure that environmental assets, including those whose importance transcends local, regional and national interests, are considered effectively in plan making.

Garway Parish has undertaken to prepare an NDP and this process has been subject to environmental appraisal pursuant to the SEA Directive.

The Parish of Garway covers a rural area within the south-west of the County of Herefordshire and is approximately 14 miles south of Hereford. The parish sits to the west of the A49.

The draft Garway Draft NDP includes 10 main objectives and it is intended that these objectives will be delivered by 10 criteria based planning policies.

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

Habitat Regulations Assessment (HRA) screening has been carried out as the Parish falls within the catchment for the River Wye (including River Lugg) and is within Wye Valley Woodlands SAC. The HRA assesses the potential effects of the NDP on the River Wye (including River Lugg) SAC and the Wye Valley Woodlands SAC.

On the whole, it is considered that the Garway Parish NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Parish Councillors will welcome the conclusion as to general conformity. It also does not propose any growth that would be over and above that prescribed by strategic policies.

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

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

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

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

The full report is published on the Herefordshire Council's webpages for Garway Neighbourhood Development Plan.

Requirement for Habitats Regulations Assessment (HRA)

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

The Habitats Regulations Assessment Regulation 14 Report for Garway Neighbourhood Area (Regulation 14 Draft Plan) was published by Herefordshire Council in November 2018. The report sets out that the initial Screening report (October

2014) found that the Neighbourhood Area is in the hydrological catchment of the River Wye (including the River Lugg) SAC and is 8.26km (within 10km) of the Wye Valley Woodlands SAC. Therefore, a full screening assessment is required.

The Habitats Regulations Report (November 2018) concludes that "None of the Draft Garway Neighbourhood Plan (October 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. Based on assumptions and information contained within the Garway Parish Plan, Herefordshire Core Strategy and the Pre-submission version / proposed modifications addendum of the HRA for the Core Strategy all of the NDP policies were found to be unlikely to result in significant effects on the River Wye or the Wye Valley Woodlands SAC.

European Convention on Human Rights

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

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

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

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's

statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

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

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

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

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

Garway Parish Council

June 2019