

Bosbury Neighbourhood Plan

Requirements and Basic Conditions Statement - November 2016

The Neighbourhood Planning process stipulates that any Neighbourhood Plan submitted as a part of Regulation 15 should have an accompanying Basic Conditions Statement to show conformity with Legal and Conditional requirements

Legal Requirements

1. The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, specifically Bosbury and Coddington Parish Council.

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.

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 (2015) up to 2031 (the same period as the emerging Herefordshire Core Strategy Local Plan).

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.

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 Bosbury and Catley Neighbourhood Area as defined and within the Parish of Bosbury, and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

Basic Conditions

The Basic conditions are set out in paragraph 8(s) 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 detailed as follows:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Development Plan.

The Bosbury Neighbourhood 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 Bosbury 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 and supporting small scale housing development to meet local needs. The Bosbury Neighbourhood Plan relies on advice from Herefordshire Council on the phrase “local and environmental factors” within policy RA1. This narrative sets out that local evidence and environmental factors should inform the scale of development for any specific Neighbourhood plan area, therefore whilst the Bosbury plan delivers less housing than the indicative figure within the Core Strategy, it is in accordance with its intent.

NPPF Core Planning Principles and the Bosbury Neighbourhood Development Plan:

NPPF Core Principle	Neighbourhood Development Plan
<p><i>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.</i></p>	<p>The Neighbourhood Plan Committee 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 emerging vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement as evidenced by the consultation statement provided. The Plan sets out a positive vision for the area up to 2031 and sets out a concise and practical suite of policies to guide development control decisions.</p>
<p><i>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.</i></p>	<p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Bosbury Parish in a creative way. It ensures that the quality of the place is enhanced by including policies which protect the rural landscape setting, at the same time supporting local business and tourist development with the support of small scale enterprise within the Parish.</p>

<p><i>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.</i></p>	<p>This Submission Neighbourhood Plan refines and amplifies Herefordshire-wide policies and proposals set out in Hereford’s UDP and new Core Strategy Local Plan policies. The Submission Neighbourhood Plan supports appropriate business and economic growth in the village in Policies 3A, 3C, 4A and 4B. The Plan promotes improvements to accessibility through new and existing networks for walking and cycling and improving local traffic management in Policies 5A and 5B.</p>
<p><i>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.</i></p>	<p>The Submission Neighbourhood Plan sets out policies to protect and enhance local character encourage high quality design in new development, which will help to ensure that amenity is protected. The Plan directly references the “Building for Life” scheme which should be used as a measure of any proposed development scheme quality.</p>
<p><i>Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</i></p>	<p>The Submission Neighbourhood Plan takes thorough regard of this guidance. The Plan recognises the rural character of this Parish and the area’s existing and potential role as an accessible recreational area, providing opportunities for walking, cycling and quiet enjoyment of the countryside for Hereford’s residents.</p>
<p><i>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).</i></p>	<p>Much of the Submission Plan is to enable the re-use of brownfield sites within the parish and to encourage the re-use of existing resources. Policy 1B is specifically targeted at the conversion of Barns at Old Court Farm into residential dwellings and Policy 3A promotes the re-use of former agricultural buildings for offices and workshops. Also Policy 2C seeks to incorporate features that improve environmental performance of future development thereby reducing carbon emissions, these can include both energy efficiency measures and green energy generation.</p>

<p><i>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.</i></p>	<p>The Submission Neighbourhood Plan is fully consistent with this principle and there has been significant liaison with English Heritage and other agencies in the preparation of several policies. The Plan provides a policy framework for the protection and enhancement of this highly sensitive rural landscape in Policy and as detailed above, significantly favours the re-use of brownfield sites as detailed, plus through Policy 6A seeks to protect the natural environment outside the village from any development.</p>
<p><i>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.</i></p>	<p>The Submission Neighbourhood Plan is fully consistent with this principle. The Plan provides a policy framework for the protection and enhancement of this highly sensitive rural landscape through Policies 1C, 1D, 2A, 2B, 2F and 3D. The Plan is consistent in promoting reuse of low environmental value land which is considered “brown-field” at present.</p>
<p><i>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.</i></p>	<p>The Submission Plan encourages the re-use and sensitive conversion of former agricultural buildings for business associated uses in Policy 3A. The Plan encourages re-use of barns at Old Court Farm for housing at Policy 1B. The Plan also encourages the re-development of brownfield land at the site of the Vicarage by including it within the Settlement Boundary.</p>
<p><i>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).</i></p>	<p>The Submission Plan aims to protect the farmland surrounding the village from inappropriate and insensitive development, to ensure that the area continues to provide a high quality environment for the benefit of residents and visitors to the Bosbury area. This includes the protection of open space that is used for recreation, dog walking and as a wildlife habitat. Furthermore through Note 1 the opportunity for flood risk mitigation is also presented.</p>

<p><i>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.</i></p>	<p>The Submission Neighbourhood Plan is fully in line with this principle and the policies relating to the Heritage Assets in the village have been suggested by English heritage. Bosbury has a range of listed properties, a conservation area, and scheduled ancient monuments all of which are protected by Policies 1B, 1C, 1D, 2A, 2F and 3D.</p>
<p><i>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.</i></p>	<p>The Submission Neighbourhood Plan seeks to manage patterns of growth within the village in a sustainable manner by defining a new settlement boundary and by capping the number of dwellings allowed in any one development application (Policy 1A). This will promote a sustainable growth pattern of gradual increase in housing volume in locations near to the core of the village, which would be more sustainable, without creating a direct limit on housing. The Submission Neighbourhood Plan seeks to promote the use of sustainable forms of transport through Policy 5B, promoting walking and cycling.</p>
<p><i>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.</i></p>	<p>Policies 3B, 5B, and 6A in the plan seek to safeguard open countryside and rural landscape setting and promote walking and cycling.</p>
<p><i>Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest.</i></p>	<p>The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish through Policies 1C, 1D, 2A, 2F and 3D.</p>
<p><i>Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area.</i></p>	<p>As above, the Submission Neighbourhood Plan has special regard to the desirability of preserving features within the Parish Conservation area through Policies 1C, 1D, 2A, 2B, 2F and 3D.</p>

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).

The Neighbourhood Plan has been subjected to a separate Screening Process for Strategic Environmental Assessment Scoping and Habitat Regulations Assessment Screening prepared by Herefordshire Council and published for consultation as a Part of Regulation 14 and again for second submission for regulation 16.

2. The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development.

The Submission Neighbourhood Development Plan contributes to the achievement of sustainable development in reference to paragraphs 6-10 of the National Planning Policy Framework which 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”.

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

NPPF Roles	Bosbury Neighbourhood Plan
Economic	The Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Group Parish, for example through conversion of former agricultural buildings to business related uses.
Social	The Plan protects local community facilities and recognises the role of the landscape and countryside in protecting the Heritage Assets that bring visitors to the village. The Plan also supports local housing development.
Environmental	The Plan sets out policies that protect local wildlife habitats and protects rural landscapes. Policies seek to promote the local distinctiveness of the area, and recognise the significance of locally important natural and built heritage assets.

3. 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 Submission Neighbourhood Plan is in general conformity with the now adopted Core Strategy of the Herefordshire Local Plan.

The below Table details the main Policies in force today that the Submission Plan aligns with:

Policy Area	Policy Number	Relevant Herefordshire Local Plan- Core Strategy Policies	Comment on conformity where relevant
Housing Growth	1A	RA1, RA2	Complies and adds local detail
	1B	LD1, RA1, RA2, RA5	Complies and adds local detail
	1C	LD1, LD4	Complies
	1D	LD1, LD4	Complies
	1E	H1, H3, RA3	Complies and adds local detail
Local Character	2A	LD1, LD4, SD1, RA2	Complies
	2B	LD1, LD4, SD1, RA2	Complies and adds local detail
	2C	LD1, SD1, SD2	Complies and adds local detail
	2D	LD1, SD1	Complies and adds local detail
	2E	SD3	Complies
	2F	LD4	Complies and adds local detail
Local Economy	3A	E1, RA5	Complies
	3B	E4	Complies
	3C	E1, RA3, RA4, H2	Complies and adds local detail
	3D	E4, LD4, RA2	Complies and adds local detail
Local Facilities	4A	SC1, RA6	Complies
	4B	SC1, OS3, RA6	Complies
Transport	5A	MT1	Complies
	5B	MT1	Complies
Landscape & Environment	6A	LD3	Complies

4. The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations.

The Submission Neighbourhood Plan is fully compatible with EU Obligations. The Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Herefordshire Council therefore it is understood that EU Environmental Obligations have been met.

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.

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.

5. Prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

It is believed that this has been complied with to this point in the Neighbourhood Planning process.