

# **Lower Bullingham Regulation 16 Submission Neighbourhood Development Plan**

**Paragraph 8 of Schedule 4b**

## **‘Basic Conditions’ Statement**

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## 1.0 Legal Requirements

### **The Submission Plan is being submitted by a qualifying body**

This Submission Plan is being submitted by a qualifying body, namely Lower Bullingham Parish Council.

### **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.

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

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

### **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.

### **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 Lower Bullingham Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

## 2.0 Basic Conditions

A draft neighbourhood Plan must meet a set of basic conditions before it 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. How the Lower Bullingham NDP meets these basic conditions is set out below.

### Have Appropriate Regard to National Policy

The Lower Bullingham 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 Lower Bullingham 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 inappropriate new development whilst at the same time seeking to manage future housing growth.

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

**Table 1 NPPF Core Planning Principles and the Lower Bullingham Submission Neighbourhood Development Plan**

NPPF Core Planning Principle	Regard that Lower Bullingham Neighbourhood Plan has to guidance
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	The Parish Council has produced the Submission Plan in line with this guidance in mind. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The vision, objectives, policies and

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<b>NPPF Core Planning Principle</b>	<b>Regard that Lower Bullingham Neighbourhood Plan has to guidance</b>
<p>practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to 2031. The Neighbourhood Plan sets out a number of policies (10 in total) to guide, control and promote future development. The plan seeks to protect and improve local green spaces and provides for the integration of the Southern Urban Extension (Herefordshire Local Plan Core Strategy Policy HD6).</p>
<p>Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p>	<p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Lower Bullingham Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which will manage future housing growth, whilst at the same time protecting and enhancing key assets such as open spaces and street trees.</p>
<p>Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.</p>	<p>This Submission Neighbourhood Plan refines and amplifies Herefordshire-wide policies and proposals set out in Herefordshire Local Plan Core Strategy. The Submission Neighbourhood Plan supports the integration of the Southern Urban Extension with existing communities (Policy LB8).</p>
<p>Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>	<p>The Submission Neighbourhood Plan sets out a detailed design policy (Policy LB4) that seeks to ensure that all new development proposals will be of high quality design and ensure a good standard of amenity for existing and future residents.</p>

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<b>NPPF Core Planning Principle</b>	<b>Regard that Lower Bullingham Neighbourhood Plan has to guidance</b>
<p>Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>The Submission Lower Bullingham Neighbourhood Development Plan seeks to support a thriving rural community by supporting the integration of the Southern Urban Extension with existing communities, including improved links and green infrastructure corridors.</p> <p>The plan seeks to protect and improve local open spaces (Policies LB5, LB6 and LB7)</p>
<p>Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).</p>	<p>The Submission Neighbourhood Plan strategy seeks ensure that new development minimises the use of non-renewable resources and maximises the use of recycled and sustainably sourced materials (Policy LB4). Policy LB10 requires all new development to be designed to reduce the consequences of flooding and to facilitate recovery from the effects of flooding.</p>
<p>Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>	<p>The Submission Neighbourhood Plan is fully consistent with this principle.</p> <p>The Plan provides a policy framework for the protection and enhancement of local open spaces (Policies LB5, LB6 and LB7) and the reduction of impacts arising from noise, light or air contamination, land instability and ground water pollution (Policy LB4).</p>
<p>Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.</p>	<p>The Herefordshire Local Plan Core Strategy promotes the efficient use of land taking into account the local context and site characteristics. This provides the strategic planning context for the Lower Bullingham Neighbourhood Development Plan.</p>
<p>Planning should promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as</p>	<p>The Submission Plan strategy is consistent with this principle. By improving links from Lower Bullingham to the proposed Southern Urban Extension primary school and community hub, new services and facilities will be supported.</p>

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NPPF Core Planning Principle	Regard that Lower Bullingham Neighbourhood Plan has to guidance
wildlife, recreation, flood risk mitigation, carbon storage or food production).	Policy LB8 recognises that green infrastructure can perform a number of functions, including flood risk mitigation.
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	The Submission Neighbourhood Plan is fully in line with this principle.  Policy LB4 requires new development to take account of site characteristics and surroundings.
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	The Submission Plan strategy is consistent with this principle. Policy LB1 requires new development proposals to incorporate measures to promote the use of transport modes other than the private car and identifies a number of improvements to footpaths and cycleways.  The Submission Neighbourhood Plan Policy LB9 indicates that any Community Infrastructure Levy payable to Lower Bullingham Parish Council will be used, amongst other things, to undertake improvements cycleways and footpaths
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	The Neighbourhood Plan is fully in accord with this principle. Policies in the plan safeguard and improve local open spaces and seek to improve links between Lower Bullingham and the proposed Southern Urban Extension community services and facilities.  Policy LB9 indicates that any Community Infrastructure Levy payable to Lower Bullingham Parish Council will be used to improve local community services and facilities.

**Have Special Regard to the Desirability of Preserving any Listed Building or it's Setting or any Features of Special Architectural or Historic Interest**

There are 5 Listed Buildings and a Scheduled Monument in the Parish. The Herefordshire Local Plan Core Strategy provides the strategic planning context for the Neighbourhood Plan and Policy LD4 has special regard to the desirability of preserving features of architectural or historic interest within Herefordshire.

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

The Plan area has no Conservation Areas.

**The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).**

**Strategic Environmental Assessment (SEA)**

To meet the 'basic conditions' which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination. A screening report was prepared by Herefordshire Council to determine whether or not the content of the draft Lower Bullingham Neighbourhood Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and/or a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). An environmental appraisal of the Lower Bullingham NDP was subsequently undertaken in line with the Environmental Assessment of Plan and Programmes Regulations 2004.

**Requirement for HRA / legislative Background**

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



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(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. As set out in the Screening Report undertaken by Herefordshire Council, the River Wye Special Area of Conservation borders the Parish to the north and the impact on this was deemed to require further environmental assessment.

The Neighbourhood Plan has been subject to an iterative Strategic Environmental Assessment screening process and Habitat Regulations Assessment and an Environmental Report produced.

### **Environment Report**

The Environment Report concludes that, on the whole, the Lower Bullingham 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). Furthermore, the neighbourhood plan does not propose any growth that would be over and above that prescribed by strategic policies. Consequently, no changes to the NDP were recommended as a result of the SEA. The latest version of the Environment Report (July 2016) is submitted alongside this Statement and a copy of the HRA addendum is available on the Herefordshire Council web site.

## **Contribute to the Achievement of Sustainable Development**

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

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

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

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

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

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

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

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

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

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Plan seeks to support the Southern Urban Extension (Herefordshire Local Plan Core Strategy Policy HD6) and its integration with existing communities in Lower Bullingham (Policy LB8).

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Social	The plan protects local open spaces (Policies LB5 and 6) and seeks to improve local community facilities (Policy LB9), including improved access to proposed new facilities within the Southern Urban Extension (Policy LB8).
Environmental	<p>The Submission Neighbourhood Plan sets out policies that protect local open spaces (Policies LB5, LB6 and LB7) and seek to improve green infrastructure (Policy LB8). Policy LB10 requires all new development proposals to address flood risk issues</p> <p>The Plan seeks to promote more sustainable transport patterns by supporting improvements in walking, and cycling (Policies LB1 and LB5).</p>

## **Be 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, and, where relevant, the saved Unitary Development Plan policies.

Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies contained in the Herefordshire Local Plan Core Strategy. None of the 'saved' Unitary Development Plan policies are of particular relevance to the Lower Bullingham Neighbourhood Plan

**Table 3 Conformity with Local Strategic Policy**

<b><i>Lower Bullingham Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031, adopted 2015.</i></b>
<p><b>Policy LB1 –Traffic and Congestion</b></p> <p><b>To improve traffic flows and to reduce congestion all new development will be assessed against the following:</b></p> <ul style="list-style-type: none"> <li><b>a) Provision of suitable access;</b></li> <li><b>b) Incorporation of measures to use transport modes other than the private car;</b></li> <li><b>c) Suitable measures to allow for movement of public service vehicles, refuse collection and emergency vehicles;</b></li> <li><b>d) Provision of footpaths and cycle storage, where appropriate, within the site; and</b></li> <li><b>e) For development generating significant car based trips provision of a developer funded Green Travel Plan.</b></li> </ul> <p><b>In particular, the following are identified for improvement:</b></p> <ul style="list-style-type: none"> <li><b>▪ New pedestrian crossing on B4399 at Wye Inn, Holme Lacy Road;</b></li> <li><b>▪ Footpath/cycleway on Hoarwithy Road towards Green Crize and beyond; and</b></li> <li><b>▪ Improvement to Holme Lacy Road cycle paths to provide connectivity to Sustrans cycleway and any new river crossing.</b></li> </ul>	<p><b>Policy MT1 – Traffic Management, Highway Safety and Promoting Active Travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</li> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;</li> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;</li> <li>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people</li> </ol>

<p><b>Lower Bullingham Neighbourhood Development Plan</b></p>	<p><b>Herefordshire Local Plan Core Strategy 2011 – 2031, adopted 2015.</b></p>
	<p>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 both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan having regard to the location of the site and need to promote sustainable travel choices.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>
<p><b>Policy LB2 – Car Parking Standards</b></p> <p><b>To improve highway safety, reduce congestion and ease traffic flows the following off-street car parking standards will apply in residential areas:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Units with 1 bedroom where individual or grouped parking provided maximum 1 space per unit.</b></li> </ul>	<p><b>Policy MT1 – Traffic Management, Highway Safety and Promoting Active Travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that</li> </ol>

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<ul style="list-style-type: none"> <li>▪ <b>Units with 2 bedrooms where individual or grouped parking provided maximum 2 spaces per unit.</b></li> <li>▪ <b>Units with 3 or more bedrooms where individual or grouped parking provided maximum 3 spaces per unit.</b></li> </ul> <p><b>All developments should also incorporate additional car parking spaces for visitors and households with larger levels of car ownership.</b></p>	<p>traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</p> <ol style="list-style-type: none"> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;</li> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;</li> <li>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;</li> <li>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</li> <li>6. have regard to both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan having</li> </ol>

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	<p>regard to the location of the site and need to promote sustainable travel choices.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>
<p><b>Policy LB3 – Loss of off-street Car Parking Provision</b></p> <p><b>Development resulting in the loss of off-street car parking spaces will only be permitted when:</b></p> <ul style="list-style-type: none"> <li><b>a) It can be clearly demonstrated that the existing space(s) are no longer needed and their loss would not lead to an existing problem becoming worse; or</b></li> <li><b>b) The spaces to be lost are to be adequately re-provided in an adjacent area; or</b></li> <li><b>c) The proposal is for a use that would lead to less need for off-street car parking provision than the existing use.</b></li> </ul>	<p><b>Policy MT1 – Traffic Management, Highway Safety and Promoting Active Travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</li> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;</li> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;</li> </ol>



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	<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 both the council’s Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan having regard to the location of the site and need to promote sustainable travel choices.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>
<p><b>Policy LB4 –Design</b></p> <p><b>All new development proposals will have to be of good quality design. Proposals will be expected to demonstrate that they have taken account of the following:</b></p>	<p><b>Policy SS6 – Environmental Quality and Local Distinctiveness</b></p> <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement</p>

<p><b><i>Lower Bullingham Neighbourhood Development Plan</i></b></p>	<p><b><i>Herefordshire Local Plan Core Strategy 2011 – 2031, adopted 2015.</i></b></p>
<p><b>a) designed to take account of site characteristics and surroundings, including:</b></p> <ul style="list-style-type: none"> <li><b>i. layout</b></li> <li><b>ii. siting</b></li> <li><b>iii. scale</b></li> <li><b>iv. height</b></li> <li><b>v. proportions and massing</b></li> <li><b>vi. orientation</b></li> <li><b>vii. architectural detailing</b></li> <li><b>viii. landscaping and</b></li> <li><b>ix. materials</b></li> </ul> <p><b>b) no significant adverse impact on residential amenity for existing and future residents;</b></p> <p><b>c) the development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;</b></p> <p><b>d) the development utilises sustainable construction methods, minimises the use of non-renewable resources and maximises the use of recycled and sustainably sourced materials;</b></p> <p><b>e) minimal resource use and low or zero carbon dioxide emissions;</b></p>	<p>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"> <li>• landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;</li> <li>• biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;</li> <li>• historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;</li> <li>• the network of green infrastructure;</li> <li>• local amenity, including light pollution, air quality and tranquillity;</li> <li>• agricultural and food productivity;</li> <li>• physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.</li> </ul>

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<p><b>f) easy access for all members of the community that improves permeability and integration with the local active travel network;</b></p> <p><b>g) safe environments that minimise opportunities for crime; and</b></p> <p><b>designs that can be easily adapted to accommodate changing lifestyles and technologies.</b></p>	<p><b>Policy SS7 - Addressing Climate Change</b></p> <p>Development proposals will be required to include measures which will mitigate their impact on climate change.</p> <p>At a strategic level, this will include:</p> <ul style="list-style-type: none"> <li>• focussing development to the most sustainable locations;</li> <li>• delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport;</li> <li>• designing developments to reduce carbon emissions and use resources more efficiently;</li> <li>• promoting the use of decentralised and renewable or low carbon energy where appropriate;</li> <li>• supporting affordable, local food production, processing and farming to reduce the county’s contribution to food miles*;</li> <li>• protecting the best agricultural land where possible;</li> </ul> <p>Key considerations in terms of responses to climate change include:</p> <ul style="list-style-type: none"> <li>• taking into account the known physical and environmental constraints when identifying locations for development;</li> <li>• ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading;</li> </ul>

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	<ul style="list-style-type: none"> <li>• minimising the risk of flooding and making use of sustainable drainage methods;</li> <li>• reducing heat island effects (for example through the provision of open space and water, planting and green roofs);</li> <li>• reduction, re-use and recycling of waste with particular emphasis on waste minimisation on development sites; and</li> <li>• developments must demonstrate water efficiency measures to reduce demand on water resources.</li> </ul> <p>Adaptation through design approaches will be considered in more locally specific detail in a Design Code Supplementary Planning Document</p> <p><b>Policy SD1 – Sustainable Design and Energy Efficiency</b>          Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:</p> <ul style="list-style-type: none"> <li>• ensure that proposals make efficient use of land - taking into account the local context and site characteristics,</li> <li>• new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design</li> </ul>

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	<ul style="list-style-type: none"> <li>• safeguard residential amenity for existing and proposed residents;</li> <li>• ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;</li> <li>• where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective</li> <li>• ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;</li> <li>• utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure</li> <li>• where possible, on-site renewable energy generation should also be incorporated</li> <li>• create safe and accessible environments that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly</li> <li>• ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and</li> </ul>

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	<ul style="list-style-type: none"> <li>• utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;</li> </ul> <p>All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.</p>
<p><b>Policy LB5 – Protecting Open Spaces</b></p> <p>The open spaces, listed below, are protected from development.</p> <ul style="list-style-type: none"> <li>▪ The Pastures</li> <li>▪ Warwick Road children’s play area</li> <li>▪ Goodwin Way play area</li> <li>▪ Land known as Martin’s Wood</li> </ul> <p><b>New built development on these green spaces will only be permitted when it is:</b></p> <p style="padding-left: 40px;"><b>a) for informal or formal outdoor recreation; or</b></p>	<p><b>Policy OS3 – Loss of Open Space, Sports or Recreation Facilities</b></p> <p>In determining the appropriateness of proposals which results in the loss of an open space, sports or recreation facility, the following principles will be taken into account:</p> <ol style="list-style-type: none"> <li>1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;</li> <li>2. the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community;</li> <li>3. the loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, useability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;</li> <li>4. the loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor.</li> </ol>

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<p><b>b) Part of a development proposal that would lead to the loss of the space but where the open space is to be re-provided to an equivalent, or better standard, in a suitably accessible location in the parish.</b></p>	
<p><b>Policy LB6 – Improving Open Spaces</b></p> <p><b>Proposals to improve and enhance the open spaces listed below will be supported:</b></p> <ul style="list-style-type: none"> <li>▪ <b>The Pastures</b></li> <li>▪ <b>Warwick Road children’s play area</b></li> <li>▪ <b>Goodwin Way Play area</b></li> <li>▪ <b>Cycle path at Rotherwas</b></li> <li>▪ <b>Green space behind 1 St Clare’s Court</b></li> </ul>	<p><b>Policy SC1 - Social and Community Facilities</b></p> <p>Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.</p> <p>New development that creates a need for additional social and community facilities that cannot be met through existing social facilities will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF</p> <p>Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing).</p> <p>Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is</p>

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	<p>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><b>Policy LB7 – Incidental Open Spaces and Street Trees</b></p> <p><b>Small incidental open spaces, including grass verges, and street trees will be protected. Proposals that introduce additional, or improved, incidental open spaces and street trees will be encouraged.</b></p>	<p><b>Policy LD1 – Landscape and Townscape</b> Development proposals should:</p> <ul style="list-style-type: none"> <li>• demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;</li> <li>• conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management;</li> <li>• incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and</li> <li>• maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.</li> </ul> <p><b>Policy LD3 – Green infrastructure</b> Development proposals should protect, manage and plan for the preservation of existing and delivery of new green</p>



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	<p>infrastructure, and should achieve the following objectives:</p> <ol style="list-style-type: none"> <li>1. identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;</li> <li>2. provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network and</li> <li>3. integration with, and connection to, the surrounding green infrastructure network.</li> </ol>
<p><b>Policy LB8 – Integrating the Southern Urban Extension (SUE) with Existing Communities</b></p> <p>To ensure that the new Southern Urban Extension integrates with, and does not have a detrimental impact on existing communities in Lower Bullingham the following should be taken in to account in the overall planning of the site, and in individual development phases of the site:</p> <ol style="list-style-type: none"> <li>a) Infrastructure improvements to mitigate any identified impacts on the existing community are addressed;</li> <li>b) Informed by an up to date housing needs survey a set percentage of the 35% target for affordable housing provision on site should be to meet those housing needs arising in Lower Bullingham parish. In particular, this provision should seek to address these needs by providing social and affordable rented properties;</li> <li>c) Green infrastructure corridors are provided from the site to Lower Bullingham, in particular along Norton Brook, Withy Brook and Red</li> </ol>	<p><b>Policy HD6 - Southern Urban Expansion (Lower Bullingham)</b></p> <p>Land at Lower Bullingham will deliver a comprehensively planned sustainable urban expansion. The new development will be sensitively integrated into both the existing urban fabric of Hereford, and the wider landscape, through high design and sustainability standards. The development will be expected to provide:</p> <ul style="list-style-type: none"> <li>• a minimum of 1,000 new homes, at an average density of up to 35 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;</li> </ul>

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<p><b>Brook. These should be used to provide natural help to flood defences, through the use of Sustainable Urban Drainage features;</b></p> <p><b>d) Improved links from Lower Bullingham to the proposed Country Park, Primary School and Community Hub; and</b></p> <p><b>e) Sustainable urban drainage and flood mitigation measures that take in to account impacts on existing communities.</b></p> <p><b>f) A Flood alleviation scheme with improvements to reduce flooding within the parish at Lower Bullingham Lane and Watery Lane.</b></p>	<ul style="list-style-type: none"> <li>• a target of 35% of the total number of dwellings shall be affordable housing;</li> <li>• around 5 hectares of employment land comprising a mixture of use class B1, B2 and B8 to complement Hereford Enterprise Zone;</li> <li>• suitable vehicular access to the site principally from the B4399;</li> <li>• Park and Choose site (land and infrastructure) adjacent to the A49/ Rotherwas Access Road roundabout;</li> <li>• green infrastructure corridors through the area to include strategic greenways along Red Brook and Norton Brook and links with Withy Brook;</li> <li>• creation of a country park to incorporate new footpaths linking with the existing public right of way network in the locality, woodland and orchard planting;</li> <li>• development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and contributes to the distinctiveness of the site and surrounding environment;</li> <li>• the provision on site of appropriate sports and play facilities, open space, community orchards and allotments;</li> </ul>

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	<ul style="list-style-type: none"> <li>• 210 primary school places and where appropriate contributions towards new additional pre-school facilities;</li> <li>• a neighbourhood community hub, including small scale convenience retail and provision of and/or contributions towards any identified need for other community infrastructure/facilities, including community meeting space and health provision, indoor and outdoor sports, where appropriate;</li> <li>• sustainable urban drainage and flood mitigation solutions to form an integral part of the green infrastructure network;</li> <li>• new direct walking, cycling and bus links from the urban extension to the Park and Choose to the west, Hereford Enterprise Zone to the east and existing communities and the city centre to the north;</li> <li>• sustainable standards of design and construction; and</li> <li>• the protection, conservation and, where possible, enhancement of the heritage assets, their significance and setting. An evaluation of the archaeological importance of the area should be provided to ensure appropriate protection of heritage assets and inform the detailed development proposals.</li> </ul> <p>The area will be planned in a comprehensive manner to show the layout of development and the required</p>

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	<p>infrastructure. Appendix 5 sets out the relationship between the development of urban expansion area and the provision of key new infrastructure.</p>
<p><b>Policy LB9 – Community Infrastructure Levy</b></p> <p><b>Any Community Infrastructure Levy payable to Lower Bullingham Parish Council will be used for the following:</b></p> <ul style="list-style-type: none"> <li>▪ <b>A new community hall and shop;</b></li> <li>▪ <b>Local community services;</b></li> <li>▪ <b>Community play areas;</b></li> <li>▪ <b>Improvements to roads and cycleways, footpaths; and</b></li> <li>▪ <b>Other measures that can help bring existing and new communities together.</b></li> </ul>	<p><b>Policy ID1- Infrastructure Delivery</b></p> <p>Provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach.</p> <p>Where necessary, in addition to planning conditions for essential on-site design requirements and critical infrastructure, developer contributions towards strategic infrastructure through s106 agreements and/or a future Community Infrastructure Levy (CIL), will be secured in accordance with national planning policies and other relevant legislation.</p> <p>A Planning Obligations Supplementary Planning Document (SPD) will provide details of the type and scale of obligations that may apply.</p>
<p><b>Policy LB10 – Reducing the Risk of Flooding</b></p> <p><b>All new development in the Neighbourhood Plan Area is required to include adequate surface water drainage measures to protect existing and new development from flooding.</b></p> <p><b>Development should be designed to reduce the consequences of flooding and to facilitate recovery from the effects of flooding.</b></p>	<p><b>Policy SD3 – Sustainable Water Management and Water Resources</b></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</p>

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<p><b>Particular regard, and where required mitigation put in place, to any development that may lead to an increased risk to flooding of areas subject to existing flooding problems. These include:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Rotherwas Industrial Estate;</b></li> <li>▪ <b>Watery Lane;</b></li> <li>▪ <b>Lower Bullingham Lane; and</b></li> <li>▪ <b>Any other flash flooding points within the parish.</b></li> </ul>	<p>biodiversity, health and recreation. This will be achieved by ensuring that:</p> <ol style="list-style-type: none"> <li>1. development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the <i>Strategic Flood Risk Assessment (SFRA) 2009</i> for Herefordshire;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>5. development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in runoff and should aim to achieve</li> </ol>

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	<p>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, specifically:</p> <ul style="list-style-type: none"> <li>• residential development should achieve Housing - Optional Technical Standards - Water efficiency. At the time of adoption the published water efficiency standards were 110 litres/person/day; or</li> <li>• non-residential developments in excess of 1,000 sq.m gross floorspace to achieve the equivalent of BREEAM 3 credits for water consumption as a minimum;</li> </ul> <p>7. the separation of foul and surface water on new developments is maximised;</p> <p>8. development proposals do not lead to deterioration of EU Water Framework Directive water body status;</p> <p>9. development should not cause an unacceptable risk to the availability or quality of water resources; and</p> <p>10. in particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.</p> <p>Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged,</p>

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	<p>including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all instances it should be demonstrated that there will be no significant adverse landscape, biodiversity or visual impact.</p>

## Be Compatible with EU Obligations

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The Neighbourhood Plan has been subjected to an environmental appraisal in line with the Environmental Assessment of Plan and Programmes Regulations 2004. This concluded that, on the whole, the Lower Bullingham NDP is in general conformity with both national planning policy, contained in the National Planning Policy Framework, and the strategic policies set within the Herefordshire Local Plan (Core Strategy). It does not propose any growth that would be over and above that prescribed by strategic policies. Consequently, no changes to the NDP were recommended as a result of the SEA.

(Source: Lower Bullingham Neighbourhood Area Environmental Report, Herefordshire Council, November 2015.)

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

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

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

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

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



## Lower Bullingham Regulation 16 Submission Neighbourhood Development Plan – Basic Conditions Statement, August 2016

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.

