

## **Much Marcle Neighbourhood Development Plan**

### **Basic Conditions Statement**

The Basic Conditions are that a Neighbourhood Plan must:

1. Have regard to national policies and advice contained in guidance issued by the Secretary of State in the National Planning Policy Framework (NPPF).
2. Contribute to the achievement of sustainable development.
3. Be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area):
  - a. Support general principles of the Herefordshire Core Strategy;
  - b. Conform with individual policies; and
  - c. Add local detail to policies without conflicting with the Core Strategy.
4. Not breach, or otherwise be incompatible with European Union (EU) obligations:
  - a. SEA Directive; and
  - b. Habitats and Wild Birds Directives.

#### **1. Legal requirements**

- 1.1 This Consultation Statement has been prepared by Much Marcle Neighbourhood Development Plan (MMNDP) Working Group on the behalf of Much Marcle Parish Council to accompany its submission to Herefordshire Council of the Plan under Section 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 The Plan has been prepared by the Much Marcle Parish Council, a qualifying body, for the area covering Much Marcle Parish, for the Neighbourhood Plan Area covering approximately 19.62 km<sup>2</sup> (7.58 square miles), as designated by Herefordshire Council on 11 September 2013.
- 1.3 The proposed Plan relates to planning matters (the use and development of land) in the designated Neighbourhood Plan Area and covers the period from 2017 to 2031. It does not contain policies relating to excluded development as laid out in the Regulations.
- 1.4 This statement addresses each of the four ‘basic conditions’ required of the Regulations and explains how the Plan meets the requirement of paragraph 8 of schedule 4B to the 1990 Town and Country Planning Act.
- 1.5 The Regulations state that a neighbourhood plan will meet the basic conditions if it:
  - Is in general conformity with the strategic policies of the development plan for the area;

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contributes to the achievement of sustainable development;
  - Is compatible with EU and European Convention on Human Rights (ECHR) obligations.
- 1.6 The Plan has two supporting documents prepared by Herefordshire Council:
- Strategic Environmental Assessment (SEA);
  - Habitats Regulations Assessment (HRA).
- 1.7 There are also two Regulation 15 submission documents:
- Basic Conditions Statement (this document);
  - Consultation Statement (including the Consultation Statement Summary Table and Consultation Summary Report).
- 1.8 These documents meet the Requirements of Regulation 15. Specifically:
- The Neighbourhood Plan Area is shown on the map at page 2 of the Plan and is shown again, with the Decision Document (September 2013) as Annex A to this document;
  - The Consultation Statement (together with the Consultation Statement Summary Table and Consultation Summary Report) meets the requirement to have a Consultation Statement;
  - The Plan itself meets the requirement to have a neighbourhood plan; and
  - This document, the Basic Conditions Statement, addresses each of the four 'basic conditions' required of the Regulations and explains how the Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.9 The policies described in the Plan relate to the development and use of land in the designated Neighbourhood Plan Area only.
- 1.10 The Plan period is from 2017 to 2031.
- 1.11 The Plan does not contain policies relating to excluded development in accordance with the Regulations.

## **2. Introduction and Background**

- 2.1 The Much Marcle Parish Council established a Working Group in September 2013, following an initial public meeting in July that year, to develop the Plan. The Working Group is empowered by, and reports to, the Parish Council. It has met at least monthly to oversee the development of the Plan.

- 2.2 The reports of Working Group meetings and all key documents relating to the development of the Plan are available for scrutiny on the Much Marcle Parish Council website: [www.muchmarcleparishcouncil.org](http://www.muchmarcleparishcouncil.org).
- 2.3 The Consultation Statement details how this work has engaged the local community, the Working Group and Parish Council over approximately 4.5 years, as well as the surveys, public open meetings and events from this process which led to the Vision, Objectives and Policies in the Plan.

### **3. Having regard to National Planning Policy**

- 3.1 The Plan has been prepared having regard to the policies set out in the NPPF (April 2012). It also has regard to the 12 core planning principles contained in the NPPF (paragraph 17), alongside the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in relation to the formation of Neighbourhood Plans.
- 3.2 The Plan adds local detail to countywide policies without undermining the purpose of strategic policies, and it is underpinned by robust evidence as demonstrated by the Evidence Base Summary (available for scrutiny on the Much Marcle Parish Council website: [www.muchmarcleparishcouncil.org](http://www.muchmarcleparishcouncil.org)).
- 3.3 At an early stage in the development of the Plan, the Much Marcle Parish Council, following views expressed by the local community in response to the residents questionnaire (November 2014) and at subsequent public meetings, decided that new development, especially housing growth, should be distributed proportionately across the three settlements in the parish.
- 3.4 Kynaston is not identified in the Core Strategy as a settlement for proportionate growth and is treated within the scope of Policy RA3 – Herefordshire’s countryside. However, Kynaston is quite clearly a ‘settlement’ and has been so for generations, with a defined settlement pattern and 12 dwellings within the main settlement area of which 6 are council built houses.
- 3.5 The rationale for the Much Marcle Parish Council decision to treat Rushall and Kynaston as a joint settlement within the scope of Policy RA2 is set out in an ‘Exception Case’ report which has been discussed with Herefordshire Council, which received ‘in principle’ support (September 2017), and is published on the Parish Council website: [www.muchmarcleparishcouncil.org](http://www.muchmarcleparishcouncil.org).
- 3.6 In terms of proportionate housing growth, only 5 new dwellings are proposed in Kynaston during the Plan period. That equates to 41% housing growth in Kynaston alone, but just 8% (or 25% taken together with Rushall) of housing growth proposed within the entire Neighbourhood Plan Area up to 2031. Overall, 75% of housing growth is proposed in Much Marcle.

3.7 The table below sets out a summary of how each policy has regard to the NPPF. The paragraphs referred to are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

NDP Policy Number & Title	NPP Paragraph Number	Comment on conformity
SD1 – Sustainable Development	7; 56	<ul style="list-style-type: none"> <li>- Conforms to paragraph 7 by promoting environmentally sustainable development.</li> <li>- Conforms to paragraph 56 by promoting sustainable development through good design.</li> </ul>
SD2 – Renewable Energy	7; 17; 56	<ul style="list-style-type: none"> <li>- Conforms to paragraph 7 by promoting environmentally sustainable development.</li> <li>- Conforms to paragraph 17 by encouraging renewable energy provision.</li> <li>- Conforms to paragraph 17 by supporting the transition to a low carbon future.</li> </ul>
HO1 – Housing Sites	17; 28; 50; 55	<ul style="list-style-type: none"> <li>- Conforms to Paragraph 17 by encouraging reuse of previously developed land (effective land use).</li> <li>- Conforms to paragraph 50 by helping to deliver a wide choice of quality homes of varying tenures.</li> <li>- Conforms to paragraph 55 by encouraging the enhancement of groups of smaller settlements.</li> </ul>
HO2 – Housing Infill	55	<ul style="list-style-type: none"> <li>- Conforms to paragraph 55 by contributing towards the enhancement of the vitality of a rural area, but without allowing isolated new homes in open countryside.</li> </ul>
HO3 – Householder Extensions	17	<ul style="list-style-type: none"> <li>- Conforms to paragraph 17 by requiring high-quality design and protecting the amenity of neighbouring properties.</li> </ul>
HO4 – Allocated sites within Settlement Boundaries	16; 50; 55	<ul style="list-style-type: none"> <li>- Conforms to paragraph 16 by planning positively to support local development.</li> <li>- Conforms to paragraph 50 by helping to deliver a wide choice of quality homes of varying tenures.</li> </ul>

		<ul style="list-style-type: none"> <li>- Conforms to paragraph 55 by encouraging the enhancement of groups of smaller settlements.</li> </ul>
HO5 – Allocated Exception Sites outside Much Marcle Settlement Boundary	16; 50	<ul style="list-style-type: none"> <li>- Conforms to paragraph 16 by planning positively to support local development.</li> <li>- Conforms to paragraph 55 by contributing towards the enhancement of the vitality of a rural area.</li> </ul>
HO6 – Windfall Building Conversions	17; 28	<ul style="list-style-type: none"> <li>- Conforms to paragraph 17 by encouraging reuse of existing buildings.</li> <li>- Conforms to paragraph 28 by supporting sustainable growth through conversion of existing buildings.</li> </ul>
EM1 – Employment & Economy	7; 19; 28	<ul style="list-style-type: none"> <li>- Conforms to paragraph 7 by promoting the economic role of sustainable development.</li> <li>- Conforms to paragraph 19 by supporting sustainable economic growth of the area.</li> <li>- Conforms to paragraph 28 by encouraging forms of development that would support a prosperous rural economy.</li> </ul>
EM2 – Business Premises	7; 19	<ul style="list-style-type: none"> <li>- Conforms to paragraph 7 by promoting the economic role of sustainable development.</li> <li>- Conforms to paragraph 19 by supporting sustainable economic growth of the area.</li> </ul>
BE1 – Listed Buildings	17; 55; 126	<ul style="list-style-type: none"> <li>- Conforms to paragraph 17 by seeking to conserve heritage assets so that they can be enjoyed for their contribution to quality of life. Conforms to paragraph 55 by allowing for the viable optimal use of a heritage asset.</li> <li>- Conforms to paragraph 126 by conserving and enhancing heritage assets.</li> </ul>
NE1 – Landscape	109	<ul style="list-style-type: none"> <li>- Conforms to paragraph 109 by seeking to protect valued landscapes.</li> </ul>
NE2 – Biodiversity	7; 109; 117	<ul style="list-style-type: none"> <li>- Conforms to paragraph 7 by promoting the environmental role of sustainable development.</li> <li>- Conforms to paragraph 109 by</li> </ul>

		<p>ensuring that new development minimises the impact upon biodiversity.</p> <ul style="list-style-type: none"> <li>- Conforms to paragraph 117 by identifying and protecting components of local ecological networks.</li> </ul>
CS1 - Community Facilities		<ul style="list-style-type: none"> <li>- Conforms to paragraph 7 by contributing to the supply of services which contribute towards the social role of sustainable development.</li> <li>- Conforms to paragraph 28 by promoting delivery of local rural services.</li> </ul>
CS2 – Loss of Community Facilities	7; 28	<ul style="list-style-type: none"> <li>- Conforms to paragraph 7 by contributing to the supply of services which contribute towards the social role of sustainable development.</li> <li>- Conforms to paragraph 28 by promoting retention of local rural services.</li> </ul>
CS3 – Local Green Spaces	73; 74	<ul style="list-style-type: none"> <li>- Conforms to paragraph 73 by promoting provision and retention of high quality open spaces.</li> <li>- Conforms to paragraph 74 by protecting existing open spaces and promoting integration with green space and new development.</li> </ul>
TI1 – Transport Infrastructure and Public Access	17; 31	<ul style="list-style-type: none"> <li>- Conforms to paragraph 17 by promoting sustainable transport methods.</li> <li>- Conforms to paragraph 30 by encouraging sustainable modes of transport.</li> </ul>
TI2 – Broadband & Mobile Reception	42	<ul style="list-style-type: none"> <li>- Conforms to paragraph 42 by encouraging provision of high quality communications infrastructure.</li> </ul>

#### **4. General conformity with the strategic policies of the development plan**

- 4.1 The Plan has been prepared to ensure that it is in general conformity with the development plan for the area.
- 4.2 The current development plan for the area is the adopted Herefordshire Core Strategy 2011-2031.

4.3 The table below sets out how each policy is in general conformity with Herefordshire Core Strategy 2011-2031.

<b>NDP Policy Number &amp; Title</b>	<b>Core Strategy Policy No.</b>	<b>Comment on conformity</b>
SD1 – Sustainable Development	SS1; SS7	<ul style="list-style-type: none"> <li>- Conforms to Policy SS1 by taking a positive approach to encouraging sustainable development.</li> <li>- Conforms to Policy SS7 by seeking to mitigate the impact of new development on climate change.</li> </ul>
SD2 – Renewable Energy	SS1; SD1	<ul style="list-style-type: none"> <li>- Conforms to Policy SS1 by seeking to encourage use of renewable energy to contribute towards sustainable development.</li> <li>- Conforms to Policy SD1 by seeking to encourage sustainable design and energy efficiency from new development.</li> </ul>
HO1 – Housing Sites	RA2; RA4; RA5; H1; H3	<ul style="list-style-type: none"> <li>- Conforms to Policy RA2 by encouraging proposals to make best use of previously developed land.</li> <li>- Conforms to Policy RA4 by supporting proposals for agricultural, forestry or rural enterprise dwellings where appropriate.</li> <li>- Conforms to Policy RA5 by making best use of redundant buildings.</li> <li>- Conforms to Policy H1 by supporting provision of affordable homes.</li> <li>- Conforms to Policy H3 by supporting a mix of tenures on new residential developments.</li> </ul>
HO2 – Housing Infill	SS2	<ul style="list-style-type: none"> <li>- Conforms to Policy SS2 by encouraging delivery of new homes in appropriate locations.</li> </ul>
HO3 – Householder Extensions	SD1;	<ul style="list-style-type: none"> <li>- Conforms to Policy SD1 by promoting high standards in sustainable design and energy efficiency.</li> </ul>
HO4 – Allocated sites within Settlement Boundaries	RA2;	<ul style="list-style-type: none"> <li>- Conforms to Policy RA2 by contributing towards maintaining locally sustainable communities.</li> </ul>
HO5 – Allocated Exception Sites outside Much Marcle Settlement Boundary	RA2;	<ul style="list-style-type: none"> <li>- Conforms to Policy RA2 by contributing towards maintaining locally sustainable communities.</li> </ul>
HO6 – Windfall Building	RA3;	<ul style="list-style-type: none"> <li>- Conforms to Policy RA3 by promoting</li> </ul>

Conversions		re-use of redundant rural buildings.
EM1 – Employment & Economy	RA6; E1	<ul style="list-style-type: none"> <li>- Conforms to E1 by helping to enhance employment provision and help diversify the local economy.</li> <li>- Conforms to RA6 by encouraging proposals which help diversify the rural economy.</li> </ul>
EM2 – Business Premises	RA6;	<ul style="list-style-type: none"> <li>- Conforms to RA6 by protecting the local rural economy and supporting retention of existing local businesses.</li> </ul>
BE1 – Listed Buildings	LD4;	<ul style="list-style-type: none"> <li>- Conforms to Policy LD4 by promoting restoration of heritage assets.</li> </ul>
NE1 – Landscape	SS6; LD1	<ul style="list-style-type: none"> <li>- Conforms to Policy SS6 by conserving and enhancing landscapes, which contribute to local distinctiveness.</li> <li>- Conforms to Policy LD1 by ensuring landscape is a major consideration for all new development proposals.</li> </ul>
NE2 – Biodiversity	LD2; SD3	<ul style="list-style-type: none"> <li>- Conforms to Policy LD2 by encouraging development proposals that conserve, restore and enhance biodiversity.</li> <li>- Conforms to Policy SD3 by promoting development proposals that enhance biodiversity in streams and watercourses.</li> </ul>
CS1 – Community Facilities	SC1	<ul style="list-style-type: none"> <li>- Conforms to Policy SC1 by encouraging provision of new community facilities.</li> </ul>
CS2 – Loss of Community Facilities	SC1	<ul style="list-style-type: none"> <li>- Conforms to Policy SC1 by protecting and encouraging retention of existing viable community facilities.</li> </ul>
CS3 – Local Green Spaces	SS7; OS1; OS2	<ul style="list-style-type: none"> <li>- Conforms to Policy SS7 by promoting provision of open space, which will help mitigate climate change.</li> <li>- Conforms to Policy OS1 by supporting the requirement for open space as part of new development proposals.</li> <li>- Conforms to Policy OS2 by requiring high quality, integrated open spaces which meet the needs of the community.</li> </ul>
TI1 – Transport Infrastructure and Public Access	SS2; SS2; SS7	<ul style="list-style-type: none"> <li>- Conforms to Policy SS2 by encouraging new development proposals to provide reasonable transport provision.</li> <li>- Conforms to Policy SS4 by requiring</li> </ul>



		<p>that new development proposals should be designed and located to minimise the impacts upon the local transport network.</p> <ul style="list-style-type: none"> <li>- Conforms to Policy SS7 by promoting sustainable transport methods.</li> </ul>
TI2 – Broadband & Mobile Reception	LB1; SS5	<ul style="list-style-type: none"> <li>- Conforms to Policy LB1 by encouraging communications infrastructure improvements.</li> <li>- Conforms to Policy SS5 by promoting provision of high speed broadband.</li> </ul>

## 5. Contribution to the achievement of Sustainable Development

- 5.1 A Neighbourhood Plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability: economic, social and environmental.
- 5.2 Particular care has been taken throughout the preparation of the Plan to ensure that it provides a positive approach to sustainable development to meet the needs of the local community now and in the future. All three sustainability dimensions of the NPPF (economic, social and environmental) are addressed in the Plan.
- 5.3 Specifically, the Vision, Objectives and Policies, and the Evidence Base Summary (available for scrutiny on the Much Marcle Parish Council website: [www.muchmarcleparishcouncil.org](http://www.muchmarcleparishcouncil.org)) demonstrate how the Plan contributes to the achievement of sustainable development.
- 5.3 Table 3 below sets out an assessment of each policy of the Plan and how it impacts on each of the three strands of sustainability; economic, social and environmental..

NP Policy Number & Title	Sustainability strand	Comment on conformity
SD1 – Sustainable Development	Environmental	<ul style="list-style-type: none"> <li>- Conforms to the environmental dimension of sustainable development by promoting development, which enhances the natural and built environment, and helps in the move towards a low carbon economy.</li> </ul>
SD2 – Renewable Energy	Environmental	<ul style="list-style-type: none"> <li>- Conforms to the environmental dimension of sustainable development by promoting use of renewable energy, which helps in the move towards a low carbon economy.</li> </ul>

HO1 – Housing Sites	Social	<ul style="list-style-type: none"> <li>- Conforms to the social dimension of sustainable development by supporting strong, vibrant and healthy communities; and by</li> <li>- providing the supply of housing required to meet the needs of present and future generations.</li> </ul>
HO2 – Housing Infill	Social	<ul style="list-style-type: none"> <li>- Conforms to the social dimension of sustainable development by supporting strong, vibrant and healthy communities; and by</li> <li>- providing the supply of housing required to meet the needs of present and future generations.</li> </ul>
HO3 – Householder Extensions	Social	<ul style="list-style-type: none"> <li>- Conforms to the social dimension of sustainable development by supporting strong, vibrant and healthy communities; and by</li> <li>- providing the supply of housing required to meet the needs of present and future generations.</li> </ul>
HO4 – Allocated sites within Settlement Boundaries	Social	<ul style="list-style-type: none"> <li>- Conforms to the social dimension of sustainable development by supporting strong, vibrant and healthy communities; and by</li> <li>- providing the supply of housing required to meet the needs of present and future generations.</li> </ul>
HO5 – Allocated Exception Sites outside Much Marcle Settlement Boundary	Social	<ul style="list-style-type: none"> <li>- Conforms to the social dimension of sustainable development by supporting strong, vibrant and healthy communities; and by</li> <li>- providing the supply of housing required to meet the needs of present and future generations.</li> </ul>
HO6 – Windfall Building Conversions	Social	<ul style="list-style-type: none"> <li>- Conforms to the social dimension of sustainable development by supporting strong, vibrant and healthy communities; and by</li> <li>- providing the supply of housing required to meet the needs of present and future generations.</li> </ul>
EM1 – Employment & Economy	Economic	<ul style="list-style-type: none"> <li>- Conforms to the economic dimension of sustainable development by encouraging new employment land to contribute towards building a strong, responsive and competitive economy.</li> </ul>

EM2 – Business Premises	Economic	- Conforms to the economic dimension of sustainable development by protecting existing employment uses, which contribute towards building a strong, responsive and competitive economy.
BE1 – Listed Buildings	Environmental	- Conforms to the environmental dimension of sustainable development by protecting and enhancing the built environment.
NE1 – Landscape	Environmental	- Conforms to the environmental dimension of sustainable development by protecting and enhancing the landscape and natural environment.
NE2 – Biodiversity	Environmental	- Conforms to the environmental dimension of sustainable development by helping to protect and enhance biodiversity.
CS1 – Community Facilities	Social	- Conforms to the social dimension of sustainable development by promoting provision of new accessible local services that reflect community needs.
CS2 – Loss of Community Facilities	Social	- Conforms to the social dimension of sustainable development by promoting retention of accessible local services that reflect community needs.
CS3 – Local Green Spaces	Social	- Conforms to the social dimension of sustainable development by promoting provision and retention of local green spaces to support a healthy community.
TI1 – Transport Infrastructure and Public Access	Social; Environmental	- Conforms to the social dimension of sustainable development by promoting a transport infrastructure that contributes towards healthy communities. - Conforms to the environmental dimension by promoting transport infrastructure that helps in the move towards a low carbon economy.
TI2 – Broadband & Mobile Reception	Social; Economic	- Conforms to the social dimension by promoting high quality communications infrastructure, which will contribute towards local

		<p>services that meets community needs.</p> <ul style="list-style-type: none"> <li>- Conforms to the economic dimension by encouraging provision of infrastructure necessary for a strong, responsive and competitive economy.</li> </ul>
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## 6. Compatibility with EU obligations and legislation

- 6.1 The Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded.
- 6.2 Herefordshire Council has undertaken an environmental appraisal of the Plan in line with the Environmental Assessment of Plans and Programmes Regulations 2004.
- 6.3 Herefordshire Council carried out a screening opinion on the Plan and concluded that due to the range of environmental designations in and around the parish, there may be significant environmental effects and consequently a Strategic Environmental Assessment (SEA) would be required. Stage A of the SEA process involved Scoping and Stage B provided a review and analysis of the Plan. Stage C involved preparing an Environmental Report and Stage D comprises a formal consultation on both this and the draft Plan itself at the Regulation 14 stage.
- 6.4 Habitat Regulations Assessment (HRA) screening has been carried out as the Parish falls within the catchment for Wye Valley & Forest of Dean Bat Sites Special Area of Conservation (SAC). The HRA assesses the potential effects of the Plan on the Wye Valley & Forest of Dean Bat Sites SAC.
- 6.5 The Environmental Report and HRA, both published in November 2016 (revised December 2017) are available for scrutiny on the Much Marcle Parish Council website: [www.muchmarcleparishcouncil.org](http://www.muchmarcleparishcouncil.org).

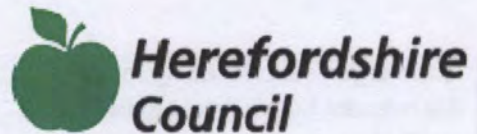
MMNDP Working Group

13 December 2017

**Annex A:**

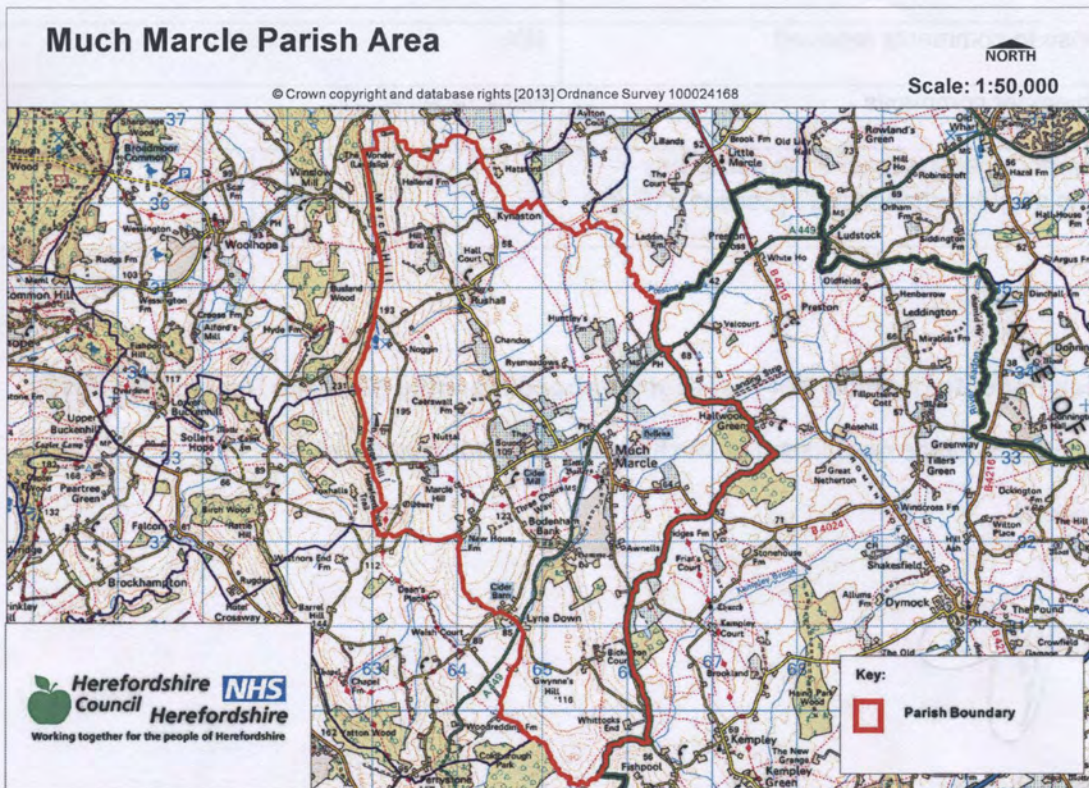
**Much Marcle Neighbourhood Plan Area & Decision Document - See attached PDF**

Neighbourhood Area Decision Document



Neighbourhood Planning (General) Regulations 2012

Name of neighbourhood area	Much Marcle Neighbourhood Area
Parish Council	Much Marcle Parish Council
Consultation period	30/08/2013-10/09/2013



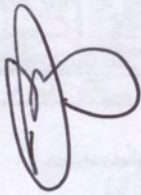
## Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act	Yes	
Is the neighbourhood area considered appropriate? (Section 61G (4))	Yes	
Does the area overlap another designated area? (Section 61G (7))		No
For joint area application, are all relevant bodies included? (Section 61G (2))		
Were any comments received during the consultation period?		No
Summary of comments received	No comments received	
Response to comments received	N/A	
Ward member comments	None received	
Are any modifications required to this or any adjoining neighbourhood area? (Section 61G (6))		No

### Decision under Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.

The application for the designation of Much Marcle Neighbourhood Area is

**Approved**



**Andrew Ashcroft**

**Assistant Director of Economy, Environment and Cultural Services**

Date: 11/09/2013