Yarkhill Neighbourhood Development Plan (NDP)

Basic Conditions Statement

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

Yarkhill Parish Council

With assistance from

Kirkwells

The Planning People

1.0 INTRODUCTION

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)[1] sets out that only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

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

1.2 This Basic Conditions Statement sets out how the Yarkhill NDP has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the NDP independent Examiner.

[1] https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum

2.0 LEGAL REQUIREMENTS

2.1 The Submission Plan is being submitted by a qualifying body

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

2.2 What is being proposed is a neighbourhood development plan

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

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

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2017 to 2031 (the same period as the Adopted Herefordshire Core Strategy Local Plan).

2.4 The policies do not relate to excluded development

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

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

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

3.0 BASIC CONDITIONS

3.1 a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

The Yarkhill Neighbourhood Development 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 relevant strategic planning policies for 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 Yarkhill Neighbourhood Plan does not undermine the strategic policies of Herefordshire Council. The Plan aims to support these policies by allocating housing sites to support appropriate housing growth, promoting high quality design and re-use of redundant agricultural buildings, supporting local business growth and the rural economy, and protecting local landscape character and community facilities.

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 Yarkhill Submission Neighbourhood Development Plan

NPPF Core Planning Principle	Regard that the Yarkhill Neighbourhood Development 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 practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.	The Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and by having involved the local community at all stages of shaping its policies and proposals, the Plan has provided local people with an opportunity to shape their surroundings. The vision, objectives, policies and proposals in the Plan have been developed through a thorough approach to community engagement. The Plan sets out a positive vision for the Parish up to 2031. The Neighbourhood Plan sets out a concise and practical suite of policies (14 in total) to guide development management decisions.
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.	The Submission Neighbourhood Plan has been prepared taking into careful consideration the results of various public consultation processes. These included the concerns of local residents about the location and type of new housing in the Parish and the need to protect the rural character and landscape. Plan policies have been prepared to help ensure new housing development is sympathetic to the existing context, rather than generic in character and is of a high quality.

NPPF Core Planning Principle	Regard that the Yarkhill Neighbourhood Development Plan has to guidance
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.	The Yarkhill NDP recognises that Yarkhill Parish includes a range of small scale rural businesses which contribute towards local employment opportunities and the local economy. The Plan supports appropriate economic development which is in keeping with the Parish's rural location and setting. The site allocations and policies in the NDP mean that the target housing requirement set out in Herefordshire Core Strategy Local Plan should be met over the plan period.
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.	The Submission Neighbourhood Plan sets out policies to protect and enhance local character and ensure that amenity is protected. Policies encourage high quality design in new development.
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.	Yarkhill is sparsely populated rural Parish. The proposed housing allocations seek to support new development on sites adjoining the existing largest settlement of Newtown. The Yarkhill Neighbourhood Plan promotes sensitive design in new housing which is appropriate to the local context. The Plan seeks to protect the surrounding local landscape character and to minimise the visual impacts of large agricultural buildings.

NPPF Core Planning Principle	Regard that the Yarkhill Neighbourhood Development Plan has to guidance
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).	Yarkhill NDP includes a policy which supports local energy schemes and a criteria in a design policy which encourages renewable energy installations to be integrated into the design of buildings. Issues related to water supply and drainage are significant in the neighbourhood area and these are addressed in NDP policies. Site allocations are located in areas at low risk of flooding. The re-use of redundant farm buildings is encouraged for residential or rural business uses.
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.	The site allocations were all subjected to technical assessments which considered agricultural land classifications and impacts on the natural environment and habitats. Both proposed site allocations are on land classified as Grade 1 or 2, but this was the same for all submitted sites. Both scored highly on criteria linked to biodiversity and landscape impacts. Both site allocations adjoin the existing built form and are located close to a local shop / petrol station and a main road.
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.	Housing policies support the conversion, re-use or extension of existing buildings. Proposals which include the redevelopment or re-use of existing former agricultural buildings, workshops or previously used sites in the countryside are encouraged for residential and economic uses.

NPPF Core Planning Principle	Regard that the Yarkhill Neighbourhood Development Plan has to guidance
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).	The Yarkhill NDP has a criteria base policy for new residential development which encourages developments to retain and incorporate natural features such as trees and hedgerows which provide habitats for wildlife.
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	A criteria based policy for new housing development requires development to be sensitive to any nearby built heritage assets. Conversions of redundant buildings are required to respect the character and significance of the building and its setting.
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	Traffic and transport are significant issues for Yarkhill. The Plan includes a policy seeking developer contributions towards traffic management measures and enhancements to support walking and cycling.
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	A policy in the plan seeks to safeguard the village hall for community type uses and this should help to enhance local wellbeing.

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

The NDP notes that there are 13 Listed Buildings in the Neighbourhood Plan area, all Grade II, and a Scheduled Monument. Policy Y3 requires development to be designed to be sensitive to any nearby built heritage assets.

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

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

The Plan area does not have a Conservation Area.

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

3.4 d. Contributes to the Achievement of Sustainable Development

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

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:

- "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 Yarkhill Submission Plan contribute to the economic, social and environmental aspects of sustainable development.

Table 2 Yarkhill 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 local business and rural employment provision. By supporting significant housing growth as identified in the emerging Local Plan the Neighbourhood Plan recognises the need to plan for housing and jobs together.
Social	The plan protects the village hall as a local community facility and supports investment to improve existing or provide new facilities. The proposed housing site allocations and supporting policies promote a mix of house types and tenures with an emphasis on providing smaller properties and more housing for families.
Environmental	The Submission Neighbourhood Plan includes policies to protect landscape character and enhance wildlife.

3.5 e. In General Conformity with Strategic Local Planning Policy

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Core Strategy Local Plan Adopted October 2015. Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from this Local Plan.

Table 3 Conformity with Strategic Local Planning Policy

Yarkhill NDP Policies	Herefordshire Core Strategy Local Plan 2011 - 2031	General Conformity
Policy Y1 Site Allocations for New Housing	**Policy RA1 – Rural housing distribution** In Herefordshire's rural areas a minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county's housing needs. The development of rural housing will contribute towards the wider regeneration of the rural economy. New dwellings will be broadly distributed across the county's rural areas on the basis of seven Housing Markets Areas (HMA) and as illustrated in Figure 4.13 This acknowledges that different areas of Herefordshire have different housing needs and requirements. The 5,300 dwellings will be delivered throughout the rural HMAs as set out in the table below. The indicative housing growth targets in each of the rural HMAs will be used	Yarkhill lies within the Ledbury rural HMA. Yarkhill NDP provides a supportive local planning framework for delivering a housing target growth figure of at least 14%. The net housing requirement for Yarkhill NDP (taking into account existing commitments and new development since 2011) is 9 units. The proposed 2 site allocations in Policy Y1 will provide capacity for 10 - 12 new units at Newtown which is identified in Fig 4.14 as a settlement which will be the main focus of proportionate housing development. (*Note - The Draft NDP proposed 2 sites at Monkhide also, but Herefordshire Council objected to these at Reg 14 on the grounds that they were too remote from the settlement*

	as a basis for the production of neighbourhood development plans in the county. Local evidence and environmental factors will determine the appropriate scale of development. **Rural HMA** **Ledbury** **Approximate number of dwellings 2011 - 2031** **565** **Indicative housing growth target (%)** **14%** **Policy RA2 – Housing in settlements outside Hereford and the market towns.** To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood	*and were in open countryside. The 2 sites have therefore been deleted in the submission plan*). The NDP also includes positive planning policies to support other new windfall development within the identified settlement boundaries and conversions of redundant former agricultural buildings.

	Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity. Housing proposals will be permitted where the following criteria are met: 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned; 2. Their locations make best and full use of suitable brownfield sites wherever possible; 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Specific proposals for the delivery of local need housing will be particularly supported	

	where they meet an identified need and their long-term retention as local needs housing is secured as such. **Figure 4.14: The settlements which will be the main focus of proportionate housing Development** **Ledbury -** Lower Eggleton / Newtown **Figure 4.15: Other settlements where proportionate housing is appropriate.** **Ledbury -** Monkhide	
Policy Y2 Settlement Boundaries	**Policy RA2 – Housing in settlements outside Hereford and the market towns.** As above.	Yarkhill NDP identifies settlement boundaries for Newtown and Monkhide In Policy Y2. The proposed settlement boundaries include 2 site allocations for new housing in Newtown and also provide some flexibility for further infill development, related to existing character and built form.
Policy Y3 Housing Development within the Settlement Boundaries of Newtown and Monkhide	**Policy RA2 – Housing in settlements outside Hereford and the market towns.** As above.	The criteria in Policy Y3 require development to be sensitive to the setting in terms of design, height, scale, density etc, to consider built heritage assets, to protect the environment, and to provide appropriate size and types of housing.
Policy Y4 Conversion of former Agricultural Buildings for Residential Use	**Policy RA3 – Herefordshire's countryside** In rural locations outside of settlements, as to be defined in either neighbourhood	Policy Y4 supports the conversion of existing buildings for residential use in line with Policy RA3 criteria 4.

	development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria: 1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or 2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or 3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or **4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting**; or 5. is rural exception housing in accordance with Policy H2; or 6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or 7. is a site providing for the needs of gypsies or other travellers in accordance with Policy H4. **Policy RA5 – Re-use of rural buildings**	The criteria in Policy Y4 provide locally relevant detail in relation to to the criteria set out in Policy RA5. This policy was included in the NDP as a positive response to sites put forward for consideration in around the settlement of Yarkhill. Yarkhill is not identified as a settlement for housing growth in the Core Strategy and therefore development will be highly constrained in this area. However the Parish Council is supportive of appropriate conversion schemes within and around the village provided they are sensitive to the character of the surrounding area.

	The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which will make a positive contribution to rural businesses and enterprise and support the local economy (including live work units) **or which otherwise contributes to residential development,** or is essential to the social well-being of the countryside, will be permitted where: 1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting; 2. design proposals make adequate provision for protected and priority species and associated habitats; 3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and; 4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and 5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard	

	standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. Any planning permissions granted pursuant to this policy will be subject to a condition removing permitted development rights for future alterations, extensions and other developments.	
Policy Y5 Protecting Existing Areas of Employment and Encouraging Investment in Business Opportunities	**Policy RA6 - Rural economy** **Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported**. A range of economic activities will be supported, including proposals which: - support and strengthen local food and drink production; - support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses; - **involve the small scale extension of existing businesses**; - promote sustainable tourism proposals of an appropriate scale in accordance with Policy	Policy Y5 identifies several local business / employment areas in the Parish where appropriate investment in development is supported and which should be protected. Core Strategy Policy RA6 supports appropriate employment generating proposals in rural areas. Core Strategy Policy E1 directs larger employment proposals to rural industrial estates where appropriate.

	E4 - Tourism; - promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced; - support the retention of existing military sites; - **support the retention and/ or diversification of existing agricultural businesses**; Planning applications which are submitted in order to diversify the rural economy will be permitted where they; - ensure that the development is of a scale which would be commensurate with its location and setting ; - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell; - do not generate traffic movements that cannot safely be accommodated within the local road network and - do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4. **Policy E1 - Employment provision** The focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the	

	needs of the local economy. **Larger employment proposals will be directed to** the strategic employment sites of Hereford, the market towns and **rural industrial estates where appropriate**. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where: - the proposal is appropriate in terms of its connectivity, scale, design and size; - the proposal makes better use of previously developed land or buildings; - the proposal is an appropriate extension to strengthen or diversify an existing business operation; - the proposal provides for opportunities for new office development in appropriate locations. The provision of viable live/work units as part of mixed use developments will also be encouraged.	
Policy Y6 Supporting Rural Diversification	Policy RA6 as above.	Policy Y6 supports appropriate proposals including conversions of existing redundant buildings, which diversify the rural economy, subject to locally relevant criteria including consideration of traffic, sensitive design and provision of adequate parking .

		Core Strategy Policy RA5 supports such proposals subject to criteria including design, impact on amenity and traffic.
Policy Y7 Tourism	**RA6** **-** As above. **Policy E4 – Tourism** Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including: 1. recognising the unique historic character of Hereford and the market towns as key visitor attractions and as locations to focus the provision of new larger scale tourist development; 2. **the development of sustainable tourism opportunities, capitalising on assets such as the county's landscape, rivers, other waterways and attractive rural settlements**, where there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;	Policy Y7 recognises the potential for small scale tourism activities in the Parish which include the conversion of existing buildings, consider traffic impacts and provide parking, and which are linked to quiet enjoyment of the countryside as is appropriate to this rural area. Core Strategy Policy E4 promotes sustainable tourism initiatives which capitalise on the county's assets including the attractive rural area.

	3. **retaining and enhancing existing, and encouraging new, accommodation and attractions** throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels will be encouraged. Applicants will be encouraged to provide a 'Hotel Needs Assessment' for any applications for new hotels; 4. ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity; and 5. the safeguarding of the historic route of the Herefordshire and Gloucestershire Canal (shown on the Policies Map), together with its infrastructure, buildings, towpath and features. Where the original alignment cannot be re-established, a corridor allowing for deviations will be safeguarded. New developments within or immediately adjoining the safeguarded corridor will be required to incorporate land for canal restoration. Development not connected with the canal that would prevent or prejudice	

	the restoration of a continuous route will not be permitted.	
Policy Y8 Traffic and Transport	**Policy MT1 – Traffic management, highway safety and promoting active travel** Development proposals should incorporate the following principle requirements covering movement and transportation: 1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development; 2. **promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;** 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**; 4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate	Policy Y8 seeks to encourage traffic management improvements and supports investment in public transport facilities and walking and cycling to reduce local reliance on the private car. Core Strategy Policy MT1 requires development proposals to incorporate various measures to minimise adverse impacts from traffic and to promote travel by walking and cycling as alternatives to the car.

	provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services; 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 6. have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices. 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.	
Policy Y9 Water Supply and Drainage	**Policy SD3 – Sustainable water management and water resources** 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	Policy Y9 requires new development to incorporate adequate waste water treatment to protect existing water resources and to avoid overloading of existing public treatment systems in the area.

	quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that: 1. development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the Strategic Flood Risk Assessment (SFRA) 2009 for Herefordshire; 2. development is designed to be safe taking into account the lifetime of the development, and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence; 3. where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime; 4. development will not result in the loss of open watercourse, and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted; 5. development includes appropriate sustainable drainage systems (SuDS) to	Core Strategy Policy SD3 requires development proposals to not cause an unacceptable risk to availability or quality of water resources or to cause unacceptable pollution. Policy SD4 requires developments to be connected to existing services, or where this is not possible, to delay development, provide contributions to improve local services or to provide suitable alternative private measures, in order to protect water quality, particularly in relation to SACs.

	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 a reduction in the existing runoff rate and volumes, where possible; 6. water conservation and efficiency measures are included in all new developments, specifically: - residential development should achieve Housing - Optional Technical Standards - Water efficiency standards At the time of adoption the published water efficiency standards were 110 litres/person/day ; or 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; 7. the separation of foul and surface water on new developments is maximised; 8. development proposals do not lead to deterioration of EU Water Framework Directive water body status; **9. development should not cause an unacceptable risk to the availability or quality of water resources; and** **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**.	

	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, 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. **Policy SD4 - Wastewater treatment and river water quality** Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. **In the first instance developments should seek to connect to the existing mains wastewater infrastructure network**. Where this option would result in nutrient levels exceeding conservation objectives targets, in	

	particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve: - incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal, in accordance with policy SD3; - **phasing or delaying development until further capacity is available;** **- the use of developer contributions/community infrastructure levy funds to contribute to improvements** to waste water treatment works or other appropriate measures to release capacity to accommodate new development; - in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives; and - where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.	

	Where evidence is submitted to the local planning authority to indicate connection to the wastewater infrastructure network is not practical, alternative foul drainage options should be considered in the following order: - provision of or connection to a package sewage treatment works (discharging to watercourse or soakaway); - septic tank (discharging to soakaway). With either of these non-mains alternatives, proposals should be accompanied by the following: - information to demonstrate there will be no likely significant effect on the water quality, in particular of designated national and European sites, especially the River Wye SAC and the River Clun SAC; or - where there will be a likely significant effect upon a SAC river, information to enable the council, in its role as a competent authority, to ascertain that the development will have no adverse effect on the integrity of the SAC; - in relation to water courses with national or European nature conservation designations, the inclusion of measures achieving the highest standard of water quality discharge to the natural drainage system including provision for monitoring. The use of cesspools will only be considered in exceptional circumstances and where it can	

	be demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives.	
Policy Y10 Reducing Flood Risk and Supporting Sustainability	**Policy SD1 – Sustainable design and energy efficiency** **Policy SD2 – Renewable and low carbon energy** **Policy SD3 – Sustainable water management and water resources** **Policy SD4 – Waste water treatment and river water quality**	Policy Y10 and the supporting text seeks to add more local detail to these strategic policies by highlighting areas of known flood risk in the Parish and in particular in relation to surface water flooding.
Policy Y11 Community facilities	**Policy SC1 – Social and community facilities** **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. 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 .	Policy Y11 seeks to protect Yarkhill Village Hall for community, recreational or health type activities or to ensure appropriate alternative provision is provided. Development which contributes towards improvements in local provision is supported. Core Strategy SC1 protects existing community facilities unless evidence demonstrates there is no longer a need for the facility and supports investment in improved facilities.

	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). **Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose**; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility. The provision or improvement of higher education facilities and the continuing enhancement of existing, or provision of new, training and skills facilities will be actively promoted.	
Policy Y12 Protecting Landscape Character	**Policy LD1 – Landscape and townscape** **Development proposals should:** **- 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;**	Policy Y12 seeks to protect local landscape character by providing more local detail such as protecting such as mature trees, using locally appropriate species in planting schemes and protecting traditional fruit orchards. The area's dark skies are also noted.

	- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management; - incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and - **maintain and extend tree cover** where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.	Core Strategy Policy LD1 provides broad, strategic criteria to protect landscapes at a Herefordshire level.
Policy Y13 Large Agricultural Buildings	N/A	The Core Strategy does not include a specific policy on large agricultural buildings, but Policy Y13 brings forward many of the criteria set out in a SPD on polytunnels. Large agricultural buildings have become more prevalent and prominent in the local landscape as farming practices change - in particular large, industrial-type units for intensive chicken rearing. This Policy seeks to ensure that such proposals are appropriately sites and designed to protect the rural landscape setting.

Policy Y14 Local Energy Schemes	**Policy SD2 – Renewable and low carbon energy generation** Development proposals that seek to deliver renewable and low carbon energy targets will be supported where they meet the following criteria: 1. the proposal does not adversely impact upon international or national designated natural and heritage assets; 2. the proposal does not adversely affect residential amenity; 3. the proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment; and 4. the proposal can be connected efficiently to existing national grid infrastructure unless it can be demonstrated that energy generation would be used on-site to meet the needs of a specific end user. In the case of energy generation through wind power developments, permission will only be granted for such proposals where: - the proposed site is identified in a Neighbourhood Development Plan or other Development Plan Document as a suitable site for wind energy generation; and - following consultation with local residents, it can be demonstrated that the planning impacts identified can be fully addressed, and therefore the proposal	Policy Y14 supports small scale renewable energy schemes including community led schemes subject to careful design, landscaping etc, as part of contributions towards sustainability objectives. Core Strategy Policy SD2 supports proposals that seek to deliver renewable and low carbon energy targets, subject to criteria.

	has the backing of the local community.	

3.6 f. Be Compatible with EU Obligations

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

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

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.

Requirement for Habitats Regulations Assessment (HRA)

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

The Environmental Report was published in August 2017. The non-technical summary sets out that:

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

Habitat Regulations Assessment (HRA) screening has been carried out on the Parish and have shown it falls within the catchment for the River Wye (including River Lugg). The River Wye does not fall in the parish itself but is within the hydrological catchment. The HRA assesses the potential effects of the NDP on the River Wye SAC, which is a European site (Special Area of Conservation).

On the whole, it is considered that the Yarkhill 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). Nor does it propose any growth that would be over and above that prescribed by strategic policies.

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

European Convention on Human Rights

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.

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

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

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