

**Burghill Submission Neighbourhood Development Plan  
Paragraph 8(2) of Schedule 4b to the  
Town and Country Planning Act 1990**

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**Basic Conditions’ Statement**



## Table of Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>3</b>
<b>2.0</b>	<b>Legal Requirements .....</b>	<b>4</b>
<b>3.0</b>	<b>Basic Conditions .....</b>	<b>5</b>
3.1	(a) Have Appropriate Regard to National Policy .....	5
3.2	(b) Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest.....	8
3.3	(c) Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area .....	9
3.4	(d) Contribute to the Achievement of Sustainable Development .....	9
3.5	(e) Be in General Conformity with Strategic Local Planning Policy.....	11
3.6	(f) Be Compatible with EU Obligations.....	45
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 Development Plan).....	47

## 1.0 Introduction

- 1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)<sup>1</sup> sets out that only a draft Neighbourhood Development 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 Development 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 Development 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 Development Plan) contributes to the achievement of sustainable development.
  - e. the making of the order (or Neighbourhood Development Plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
  - f. the making of the order (or Neighbourhood Development 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 Development Plan).
- 1.2 **This Basic Conditions Statement sets out how the Burghill Neighbourhood Development Plan (NDP) has been prepared to meet the basic conditions. It has been prepared and submitted as a supporting document for consideration by the NDP Independent Examiner.**

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<sup>1</sup> <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**

The Burghill Submission Plan is being submitted by a qualifying body, namely Burghill Parish Council.

### **2.2 What is being proposed is a neighbourhood development plan**

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

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

The proposed Neighbourhood Development 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 2011-2031).

### **2.4 The policies do not relate to excluded development**

The Neighbourhood Development 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 Development 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 Development Plan proposal relates to the Burghill Neighbourhood Area and to no other area. There are no other Neighbourhood Development Plans relating to that neighbourhood area.

### 3.0 Basic Conditions

#### 3.1 (a) Have Appropriate Regard to National Policy

The Burghill 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 Development Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Development Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Development 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 Development Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Burghill Neighbourhood Development Plan does not undermine the strategic policies of Herefordshire Council; the Plan aims to support these policies by protecting local built and natural heritage assets from insensitive new development, aiming to ensure appropriate landscaping and screening are in place if the proposed southern link road is brought forward, and supporting small scale housing development to meet local needs.

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 Burghill Submission Neighbourhood Development Plan**

<b>NPPF Core Planning Principle</b>	<b>Regard that Burghill Neighbourhood Development Plan has to guidance</b>
<p>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</p>	<p>The Parish Council has produced the Submission Neighbourhood Development Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and by involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The emerging vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to 2031.</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>NPPF Core Planning Principle</b>	<b>Regard that Burghill Neighbourhood Development Plan has to guidance</b>
can be made with a high degree of predictability and efficiency.	The Neighbourhood Development Plan sets out a concise and practical suite of policies (14 in total) to guide development control 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 Development Plan offers the local community the opportunity to shape the future development of Burghill Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which support new housing and local employment support local education facilities, promote high quality design in new development, protect local landscape character, protect local community facilities and green spaces, and support future renewable energy.
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 Submission Neighbourhood Development Plan refines and amplifies Herefordshire-wide policies and proposals set out in Herefordshire's Core Strategy policies. The Submission Neighbourhood Development Plan supports existing businesses and rural enterprises and supports future business and economic growth in the parish in Policies B2, B3 and B4. The plan positively supports sustainable housing growth in the parish through housing allocations and criteria based policies. (B1)
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 Development Plan sets out policies which encourage high quality design in new development (B8), protect and enhance local landscape character (B9) and identify local green space (B10) which will help to ensure that amenity is protected.

Burghill NDP Basic Conditions Statement – December 2017

<b>NPPF Core Planning Principle</b>	<b>Regard that Burghill Neighbourhood Development 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 Neighbourhood Development Plan takes regard of this guidance fully in plan- making and decision- taking. The Plan recognises the rural character of this Parish, and the need to protect the rural landscape character. (Policies B8 and B9). The important role of local community facilities in the Parish in relation to health and wellbeing is recognised in Policy B11.</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 Development Plan supports the re-use of brownfield sites / retention of buildings in Policies B3 and B4. The use of Sustainable Drainage Systems is promoted in in Policy B8. Policy B9 supports sustainable construction and low carbon technologies. Policy B13 support water management schemes and B14 promotes renewable energy. Taken together these Policies should assist with reducing carbon emissions associated with high levels of dependency on the private car associated with rural areas.</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 Development Plan is fully consistent with this principle.</p> <p>The Plan provides a policy framework for the protection and enhancement of this sensitive rural landscape in Policy B9 Protecting and where possible enhancing local landscape character. This policy encourages the protection and enhancement of areas of woodland and seeks to encourage country stewardship and similar schemes to enhance the biodiversity and natural environment.</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 Submission Neighbourhood Development Plan supports the re-use of brownfield sites / retention of buildings in Policies B3 and B4.</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>NPPF Core Planning Principle</b>	<b>Regard that Burghill Neighbourhood Development Plan has to guidance</b>
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).	Overall the Plan supports an approach which should provide a sustainable future for this rural community, providing policies which protect existing community facilities in the Parish, support a mix of new housing and small scale rural enterprise appropriate to the local character, and which protect the open countryside and valued green spaces.
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 Policies in the Burghill Neighbourhood Development Plan seek to retain and enhance built and natural features in the Parish.
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 Neighbourhood Development Plan seeks to support the enhancement highway improvement schemes to promote the safety of pedestrian and cycle users, and the increase in public and community transport in the Parish in Policy B7. Policies B1, B2 and B3 seek to focus significant development in sustainable locations.
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 Development Plan is fully in accord with this principle. Policies in the plan safeguard and seek to improve open countryside and rural landscape setting (Policy B9).

**3.2 (b) Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest**

The Submission Neighbourhood Development Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish in all of its policies. [Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].



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

The Submission Neighbourhood Development Plan has special regard to the desirability of preserving or enhancing the character and appearance of the Burghill Conservation area through Policy B8. [Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

**3.4 (d) 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:

- “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 planning 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.**

<b>Sustainable Development Role</b>	<b>Neighbourhood Development Plan’s Contribution</b>
Economic	The Submission Neighbourhood Development Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Parish, for example through supporting and enhancing existing local employment (B2), encouraging new local employment opportunities (B3) and supporting rural enterprise and farm diversification (B4).
Social	The plan protects local community facilities (B10 and B11) and recognises the role of the landscape and countryside (B9) in supporting health and wellbeing of parish residents The Plan also supports new market and local needs housing and a mix of tenures, types and sizes of houses in Policy B1.
Environmental	The Submission Neighbourhood Development Plan sets out policies that protect local wildlife and biodiversity and rural landscapes in Policy B9. The Plan seeks to promote more sustainable transport patterns through walking and cycling. Policies seek to promote the local distinctiveness of the area, and recognises the important natural and built heritage assets to local residents as an important aspect of the Parish’s identity.

**3.5 (e) Be in General Conformity with Strategic Local Planning Policy**

The Submission Neighbourhood Development Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Core Strategy (2011-2031).

Table 3 below sets out the way that the Neighbourhood Development Plan conforms to the relevant strategic policies from the Core Strategy.

**Table 3 Conformity with Local Strategic Policy**

<b><i>Burghill Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031</i></b>	<b><i>Assessment of “general Conformity</i></b>
<p><b>Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.</b></p> <p><b>In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), Map 3 (Burghill), and Map 4 (Tillington), in accordance with the Herefordshire Core Strategy and subject to the following criteria:</b></p> <p><b>(a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;</b></p>	<p><b>Policy SS1 – Presumption in favour of sustainable development</b></p> <p>When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.</p> <p>Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:</p>	<p>Policy B1 sets planning policy in relation to housing development for the villages of Burghill and Tillington which are identified in Figure 4.14 as settlements to be the main focus of housing. The policy also includes Lower Burlton which is adjacent to the Hereford City boundary</p> <p>Policy B1 is in general conformity with HLPCS Policy RA1 and seeks to support this high level strategic policy and the overall indicative housing</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>						
<p><b>(b) Ensures appropriate and safe access;</b></p> <p><b>(c) Ensures adequate access to public transport facilities;</b></p> <p><b>(d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);</b></p> <p><b>(e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;</b></p> <p><b>(f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all</b></p>	<p>a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or</p> <p>b) specific elements of national policy indicate that development should be restricted.</p> <p><b>Policy RA1 – Rural housing distribution</b></p> <p>In Herefordshire’s rural areas a minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county’s housing needs. The development of rural housing will contribute towards the wider regeneration of the rural economy.</p> <p>New dwellings will be broadly distributed across the county’s rural areas on the basis of seven Housing Markets Areas (HMA) and as illustrated in Figure 4.13 This acknowledges that different areas of Herefordshire have different housing needs and requirements.</p> <p>The 5,300 dwellings will be delivered throughout the rural HMAs as set out in the table below. The indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of neighbourhood development plans in the county. Local evidence and environmental factors will determine the appropriate scale of development.</p> <table border="1" data-bbox="734 1145 1621 1278"> <thead> <tr> <th>Rural HMA</th> <th>Approximate number of dwellings 2011 -2031</th> <th>Indicative housing growth target for the villages (%)*</th> </tr> </thead> <tbody> <tr> <td>Hereford</td> <td>1870</td> <td>18%</td> </tr> </tbody> </table>	Rural HMA	Approximate number of dwellings 2011 -2031	Indicative housing growth target for the villages (%)*	Hereford	1870	18%	<p>target set for the Hereford RHMA.</p> <p>Policy B1 then sets detailed local policy in terms of how that housing growth should be managed by identifying a set of locally defined and appropriate criteria. These are consistent and in general conformity with the approach set out in HLPCS Policy RA2 that sets more detailed strategic policy for rural settlements.</p> <p>Criterion (a) to (i) in Policy B1 will be used to assess planning applications and help to ensure this strategic policy objective is met.</p> <p>Policy B1 also includes a criterion to ensure the mix of housing is in accordance with parish needs which is</p>
Rural HMA	Approximate number of dwellings 2011 -2031	Indicative housing growth target for the villages (%)*						
Hereford	1870	18%						

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>sectors of the community, located throughout the site;</p> <p><b>(g) Reflects the scale and function of the settlement;</b></p> <p><b>(h) Ensures appropriate parking is provided on site; and</b></p> <p><b>(i) Minimum living space within dwellings shall be 80 square metres.</b></p> <p><b>Development in open countryside including conversion of rural buildings will be in accordance with the relevant Herefordshire planning policies.</b></p>	<p><b>Policy RA2 – Housing in settlements outside Hereford and the market towns</b></p> <p>To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.</p> <p>The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.</p> <p>Housing proposals will be permitted where the following criteria are met:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2. Their locations make best and full use of suitable brownfield sites wherever possible;</li> </ol>	<p>in general conformity with Policy H3 of HLPCS</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<p>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</p> <p>4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.</p> <p>Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.</p> <p>Burghill and Tillington are identified in Fig 4.14 as a settlement which will be the main focus of proportionate housing development.</p> <p><b>Policy H3 Ensuring an appropriate range and mix of housing</b></p> <p>Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. In particular, on larger housing sites of more than 50 dwellings developers will be expected to:</p> <ol style="list-style-type: none"> <li>1. provide a range of house types and sizes to meet the needs of all households, including younger single people;</li> <li>2. provide housing capable of being adapted for people in the community with additional needs; and</li> <li>3. provide housing capable of meeting the specific needs of the elderly population by:</li> </ol>	

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<ul style="list-style-type: none"> <li>- providing specialist accommodation for older people in suitable locations;</li> <li>- ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;</li> <li>- ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.</li> </ul> <p>The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.</p>	
<p><b>Policy B2 - Supporting existing small scale local employment.</b></p> <p><b>Existing sources of local employment will be protected for employment use on the Tillington Business Park (Map 4), the Burlton Court Farm Business Zone (Map 5) and throughout the Parish</b></p> <p><b>Redevelopment or change of use of existing employment premises will only be permitted when:</b></p> <p><b>(a) The employment premises have been empty for 12 months or more and during that time actively and appropriately marketed</b></p>	<p><b>Policy RA5 Re-use of rural buildings</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2. design proposals make adequate provision for protected and priority species and associated habitats;</li> <li>3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;</li> </ol>	<p>Policy B2 seeks to protect existing employment sites.</p> <p>This approach is in general conformity with Policy RA5 and RA6 of the of the HLPCS that supports the rural economy and Policy E2 that seeks to protect existing employment land.</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>without securing a viable alternative employment use; or</p> <p><b>(b) Equivalent, or better, provision is made, elsewhere within the Parish, to replace the proposed loss of local employment space.</b></p>	<p>4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and</p> <p>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.</p> <p>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.</p> <p><b>Policy RA6 Rural economy</b></p> <p>Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:</p> <ul style="list-style-type: none"> <li>• support and strengthen local food and drink production;</li> <li>• 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;</li> <li>• involve the small scale extension of existing businesses;</li> <li>• promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism;</li> </ul>	



Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<ul style="list-style-type: none"> <li>• promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced;</li> <li>• support the retention of existing military sites;</li> <li>• support the retention and/ or diversification of existing agricultural businesses;</li> <li>• Planning applications which are submitted in order to diversify the rural economy will be permitted where they;</li> <li>• ensure that the development is of a scale which would be commensurate with its location and setting;</li> <li>• do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;</li> <li>• do not generate traffic movements that cannot safely be accommodated within the local road network and</li> <li>• do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.</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</li> </ol>	

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<p>(depending on the nature and location of the site), including access to services by means other than private motorised transport;</p> <ol style="list-style-type: none"> <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 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.</li> </ol> <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>	

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<p><b>Policy E2 – Redevelopment of existing employment land and buildings</b></p> <p>Employment land and buildings rated as ‘best’ and ‘good’ using the methodology in the Employment Land Study 2012 (or successor document) will be safeguarded from redevelopment to other non-employment uses.</p> <p>Proposals which would result in the loss of employment land rated as ‘moderate’ will be permitted where:</p> <ol style="list-style-type: none"> <li>1. the development of the site for other uses would not result in an overall shortage in the quality and quantity of employment land supply in the area; or</li> <li>2. there would be a net improvement in amenity through the removal of a nonconforming use from within a residential area, and where an alternative use would offer amenity benefits. For sites in existing employment use, consideration should also be given to the ability to relocate existing occupiers where this is necessary; or</li> <li>3. the proposal would not result in a piecemeal loss of employment land where there is potential for a more comprehensive scheme;</li> </ol> <p>In all cases:</p> <ul style="list-style-type: none"> <li>- the viability of the development proposal must be confirmed through a comprehensive assessment; and</li> <li>- there must be evidence of appropriate and active marketing of at least 12 months for a change of use of a B Class</li> </ul>	

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<p>employment use and it can be shown that this marketing has been unsuccessful.</p> <p>The provision of ancillary and complementary uses which help meet the day-to-day needs of employment sites and their employees and improve the sites’ attractiveness to businesses, will be permitted where they are of a scale which does not impact on the overall supply of employment land.</p>	
<p><b>Policy B3 - Supporting new small scale local employment.</b></p> <p><b>The development of new small-scale local employment opportunities will be permitted within the Neighbourhood Development Plan area providing that they:</b></p> <ul style="list-style-type: none"> <li><b>(a) Are located within an existing commercial area;</b></li> <li><b>(b) Give priority to the re-use of a brownfield site, or the conversion of an existing building;</b></li> <li><b>(c) Are of a scale appropriate to the immediate surroundings;</b></li> </ul>	<p><b>Policy RA5 Re-use of rural buildings</b></p> <p><b>Policy RA6 Rural economy</b></p> <p><b>Policy MT1 Traffic management, highway safety and promoting active travel</b></p> <p><b>Policy E1 -Employment provision</b></p> <p>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.</p> <p>Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:</p> <ul style="list-style-type: none"> <li>• the proposal is appropriate in terms of its connectivity, scale, design and size;</li> <li>• the proposal makes better use of previously developed land or buildings;</li> </ul>	<p>Policy B3 seeks to support proposals for new small scale local employment, including homeworking.</p> <p>This approach is in general conformity with Policy RA5 of the of the HLPCS that encourages re-use of rural buildings and Policies RA6 E1, E3 and MT1 that support the growth of rural business and seek to manage traffic and transport.</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>(d) Do not have a detrimental impact on surrounding living conditions;</p> <p>(e) Do not lead to the loss of open space or green infrastructure;</p> <p>(f) Are located close to existing highways and do not have an unacceptable impact on traffic;</p> <p>(g) Are in accordance with all other relevant policies of this plan.</p>	<ul style="list-style-type: none"> <li>• the proposal is an appropriate extension to strengthen or diversify an existing business operation;</li> <li>• the proposal provides for opportunities for new office development in appropriate locations.</li> </ul> <p>The provision of viable live/work units as part of mixed use developments will also be encouraged.</p> <p><b>Policy E3 – Homeworking</b></p> <p>The value of home working will be recognised by allowing some material change of use to part of a dwelling, where the dwelling remains as the principle place of residence for the home worker; and recognising the potential to encourage and expand home working, by allowing small extensions or conversions where the proposed use and operation would be compatible with its location and heritage value, and where it would not adversely affect the amenity of the neighbourhood by any of the following:</p> <ul style="list-style-type: none"> <li>• changes to the appearance of any building;</li> <li>• noise disturbance from the use or any increased traffic and parking generated;</li> <li>• unsociable hours of operation; and</li> <li>• the storage of hazardous materials or emissions from the site.</li> </ul>	
<p><b>Policy B4 – Rural enterprise and farm diversification.</b></p> <p>Where planning permission is required, new employment development will be permitted in</p>	<p><b>Policy RA5 Re-use of rural buildings</b></p> <p><b>Policy RA6 Rural economy</b></p> <p><b>Policy MT1 Traffic management, highway safety and promoting active travel</b></p>	<p>Policy B4 seeks to support proposals for rural enterprise and farm diversification.</p>

<b><i>Burghill Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031</i></b>	<b><i>Assessment of “general Conformity</i></b>
<p>existing hamlets and farmsteads subject to the following criteria:</p> <p>The conversion of traditional agricultural buildings to employment uses will be permitted providing:</p> <ul style="list-style-type: none"> <li>(a) The building forms part of an existing group of buildings and is not in an isolated and unsustainable location; and</li> <li>(b) The proposed use will not cause unacceptable disturbance to neighbours; and</li> <li>(c) There is no detrimental effect on the form, design, character and setting of the building; and</li> <li>(d) The building is capable of conversion without significant extension; and</li> <li>(e) The building is structurally sound and capable of conversion without the need for complete or</li> </ul>		<p>This approach is in general conformity with Policy RA5 and RA6 of the of the HLPCS that encourages re-use of rural buildings and Policy MT1 seeks to manage traffic and transport.</p>

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>substantial reconstruction; and</p> <p>(f) The conversion would not have a detrimental impact on the appearance or character of the landscape; and</p> <p>(g) The access to the site is of a safe standard or is capable of being improved to a safe standard without harming the appearance of the area.</p> <p>(h) The conversion would not be detrimental to the continued agricultural operation of the site as a whole.</p>		
<p><b>Policy B5 – Supporting development of communications infrastructure</b></p> <p><b>The development of new, high speed broadband infrastructure and mobile infrastructure to serve the Parish will be supported where it is sympathetically designed, and significant landscape and visual</b></p>	<p><b>Policy LD1 - Landscape and townscape</b></p> <p>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</li> </ul>	<p>Policy B5 seeks to ensure that new communications infrastructure is in keeping with the rural setting.</p> <p>Policy B5 is in general conformity with Policies LD1 and SD1 of the HLPCS which seeks to ensure that development is</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>effects have been adequately mitigated.</p> <p><b>All new residential development will be required to make provision for high speed broadband.</b></p>	<p>designated parks and gardens and conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management;</p> <ul style="list-style-type: none"> <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 SD1 – Sustainable design and energy efficiency</b></p> <p>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> <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</li> </ul>	<p>sustainably designed and in keeping with the landscape character.</p>



Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<p>contamination, land instability or cause ground water pollution;</p> <ul style="list-style-type: none"> <li>• where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective; 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; where possible, on-site renewable energy generation should also be incorporated;</li> <li>• create safe and accessible environments, and 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> <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>	

Burghill NDP Basic Conditions Statement – December 2017

<b><i>Burghill Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031</i></b>	<b><i>Assessment of “general Conformity</i></b>
<p><b>Policy B6 – Education</b></p> <p><b>The Parish Council support the future expansion of Burghill Academy in accordance with the policies and proposals within this Neighbourhood Development Plan.</b></p> <p><b>In order to retain the existing character of the area, and to maintain the amenity of the surrounding developments, all expansion proposals will be expected to meet the following criteria:</b></p> <ul style="list-style-type: none"> <li><b>(a) Ensures appropriate and safe access to the site;</b></li> <li><b>(b) Does not materially harm the living conditions of neighbours;</b></li> <li><b>(c) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape;</b></li> <li><b>(d) Reflects the scale and function of the school; and</b></li> </ul>	<p><b>Policy SC1</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 no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.</p>	<p>Policy B6 seeks to add an additional level to Policy SC1 in defining criteria for the extension of the local school.</p> <p>This is in general conformity with Policy SC1 of the HLPCS</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<b>(e) Ensures appropriate parking is provided on site.</b>	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.	
<p><b>Policy B7 - Traffic management and transport improvements</b></p> <p><b>Proposals to improve road safety and traffic management will be fully supported. These should include combined footway and cycle ways and links between housing areas and community services.</b></p> <p><b>Developer contributions through Section 106 or agreements and Community Infrastructure Levy payments will be sought towards the following within the parish:</b></p> <ul style="list-style-type: none"> <li><b>(a) Highway improvement schemes to promote the safety of pedestrians and cycle users;</b></li> <li><b>(b) Traffic calming measures, pedestrian priority schemes and the reduction</b></li> </ul>	<p><b>Policy MT1 Traffic management, highway safety and promoting active travel</b></p> <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 (C.I.L), 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>Policy B7 is in general conformity with the aim of HLPCS Policy ID1 which identifies developer contributions towards infrastructure improvements.</p> <p>Policy B7 is also in general conformity with HLPCS Policy MT1 and adds projects which would be appropriate to improve highway safety in the parish..</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>in traffic speeds on routes through the Parish;</p> <p>(c) To Increase public and community transport, within, to and from the villages.</p> <p>The parish council will work with and encourage providers of public transport to provide as full a service as is needed to support future development in the area.</p>		
<p><b>Policy B8 - Design of Development in Burghill Parish.</b></p> <p><b>Burghill Parish has a distinctive and special character. In accordance with the Burghill Parish Design Guidance in Appendix 3, all new development within the area will be expected to make a positive contribution to that distinctive character, and is of good design and quality. In seeking to protect and where possible enhance the unique identity of the area, all development will be expected to take account of the following:</b></p>	<p><b>Policy SS1 Presumption in favour of sustainable development</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 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> </ul>	<p>Policy B8 is in general conformity with HLPCS Policy SS1 and the presumption in favour of sustainable development. Good design is one of the components of sustainable development within the NPPF.</p> <p>Policy B8 is in general conformity with HLPCS Policy SS6 in that it sets criteria for assessment of planning proposals that take in: the distinctive built environment; natural</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p><b>(a) Local identity, and sense of place;</b></p> <p><b>(b) The character and setting of the Burghill Conservation Area, where appropriate;</b></p> <p><b>(c) Is satisfactory in terms of the overall design and appearance of the proposed development (including size, scale, density, layout, access, lighting, street furniture, and signage) when assessed in relationship with surrounding buildings, existing layout, spaces, vegetation, water areas and other features of the street scene;</b></p> <p><b>(d) It makes use of, and where appropriate re-uses local and traditional materials or</b></p>	<ul style="list-style-type: none"> <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> <p>The management plans and conservation objectives of the county’s international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.</p> <p><b>Policy LD1 Landscape and townscape</b></p> <p><b>Policy LD4 Historic environment and heritage assets</b></p> <p>Development proposals affecting heritage assets and the wider historic environment should:</p> <ol style="list-style-type: none"> <li>1. Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;</li> </ol>	<p>environment; local amenity; and use of resources.</p> <p>Policy B8 is in general conformity with HLPCS Policy LD1 in setting local criteria for the assessment of proposals.</p> <p>Criterion (b) of B8 is in general conformity with HLPCS Policy LD4.</p> <p>Criterion (k) (l) and (m) of Policy GP2 are in general conformity with HLPCS Policy SD1 in particular appropriate energy efficiency and conservation measures.</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>suitable artificial alternatives;</p> <p><b>(e) It does not result in backland development which has a detrimental impact on the character of the parish;</b></p> <p><b>(f) Includes adequate parking, garaging and private and public amenity space for future residents;</b></p> <p><b>(g) The use of space and landscape design is appropriate;</b></p> <p><b>(h) Good relationship to its surroundings and incorporates an active frontage;</b></p> <p><b>(i) Movement to, within, around, and through the development complies with Objective 8 and Policy B7 of this Plan and encourages the use of active travel modes;</b></p>	<ol style="list-style-type: none"> <li>2. the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;</li> <li>3. use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;</li> <li>4. record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and.</li> <li>5. where appropriate, improve the understanding of and public access to the heritage asset.</li> </ol> <p>The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes should emphasise the original form and function of any asset and, where appropriate, improve the understanding of and public access to them.</p> <p><b>Policy SD1 Sustainable design and environmental efficiency</b></p>	

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>(j) Incorporates originality, innovation and initiative, where appropriate;</p> <p>(k) Includes appropriate energy efficiency and conservation measures;</p> <p>(l) Uses Sustainable Drainage Systems;</p> <p>(m) Provides adequate storage facilities for refuse and recycling facilities for each dwelling;</p> <p>(n) Uses appropriate lighting for the location</p>		
<p><b>Policy B9 - Protecting and where possible enhancing local landscape character.</b></p> <p><b>Development proposals will be required to incorporate the following landscape design principles:</b></p> <p>(a) <b>All development will be expected to retain the green areas between Burghill and Hereford and to maintain the distinct and</b></p>	<p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p><b>Policy SS6 Environmental quality and local distinctiveness</b></p> <p><b>Policy LD1 Landscape and townscape</b></p> <p><b>Policy LD2 – Biodiversity and geodiversity</b></p> <p>Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:</p> <ol style="list-style-type: none"> <li>1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows:</li> </ol>	<p>Policy B9 is in general conformity with HLPCS Policy SS1 in that it seeks to protect and enhance the landscape in the Neighbourhood Development Plan area. Sustainable development includes social, economic and environmental roles. The landscape is a valued landscape and a key environmental asset in the</p>

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p><b>separate identity of the Parish.</b></p> <p><b>(b) Development proposals should seek to preserve and where possible enhance the character of the villages and surrounding scattered rural settlements and farmsteads. Schemes will be expected to conserve and protect the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed, through the use of appropriate styles and sustainable locally distinctive materials.</b></p> <p><b>(c) Local habitats and wildlife corridors should be preserved and where possible enhanced. Landscaping schemes will be required to incorporate planting schemes which use traditional and locally appropriate species to</b></p>	<p>a) Development that is likely to harm sites and species of European Importance will not be permitted;</p> <p>b) Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations;</p> <p>c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.</p> <p>d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.</p> <p>2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and</p> <p>3. creation of new biodiversity features and wildlife habitats.</p> <p>Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.</p> <p><b>Policy LD3 Green infrastructure</b></p>	<p>neighbourhood area. Policy B9 is in general conformity with the presumption in favour of sustainable development in Policy SS1.</p> <p>Policy B9 is in general conformity with HLPCS Policy SS6 that seeks to conserve and enhance environmental assets, including landscape.</p> <p>The seven criteria in Policy B9 provide specific local detail for the assessment of planning proposals that are in general conformity with environmental assets identified as contributing to the County’s distinctiveness: setting of settlements; wildlife; built heritage assets; green infrastructure and physical resources.</p>



<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>support and where possible enhance biodiversity. Species should be appropriate to the location and setting in terms of type, height, density and the need for on-going management. When constructing boundaries native tree species should be used. Existing hedgerows should be retained and the establishment of new native hedges is encouraged to support and protect wildlife.</p> <p><b>(d) Development proposals should conserve important local landscape features and species where possible. Mature and established trees should be retained and incorporated into landscaping schemes where possible.</b></p> <p><b>(e) New residential development should</b></p>		<p>Policy B9 is in general conformity with HLPCS Policy LD1 that seeks to manage development proposals impact on landscape and townscape. Criteria (a) and (b) are in general conformity with the first bullet point of LD1 that proposals should demonstrate that “character of the landscape and townscape has positively influenced the design”, Policy B9 including criteria (a) and (b) seeks to make this Burghill specific.</p> <p>Policy B9 is also in general conformity with the second bullet of policy LD1 - conservation and enhancement of landscapes; through criteria (d) to (f).</p> <p>Policy B9 is in general conformity with HLPCS Policy LD3 in that it seeks to identify, conserve and</p>

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>protect the area’s historic settlement pattern.</p> <p><b>(f) The conservation of traditional farm buildings through continued and appropriate new uses is supported and repairs and alterations should use local materials and techniques where possible.</b></p> <p><b>(g) Sustainable construction, low carbon technologies and use of innovative solutions will be encouraged such as grey water recycling, rainwater harvesting, and opportunities for local food production.</b></p>		<p>enhance key green infrastructure in the Neighbourhood Development Plan area.</p>
<p><b>Policy B10 - Protection of local green spaces</b></p> <p><b>The following local green spaces as shown on map 6 are designated in accordance with paragraphs 76 and 77 of the NPPF:</b></p>	<p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p><b>Policy SS6 Environmental quality and local distinctiveness</b></p> <p><b>Policy LD1 – Landscape and townscape</b></p> <p><b>Policy LD3 Green infrastructure</b></p>	<p>The HLPCS, as a strategic plan does not have a specific policy on local green spaces. Nor does the HLPCS mention designated local green spaces as a criterion in any policy. Designated local</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>1. <b>Tillington Common</b></p> <p>2. <b>The Bird Pool</b></p> <p>3. <b>Whitmoorpool Common</b></p> <p>4. <b>The green areas at Leasown and Bakers Furlong</b></p> <p>5. <b>The green semi-circle at Redstone</b></p> <p>6. <b>The Deer Park and its rural surroundings at St Mary’s Park</b></p> <p>7. <b>The Copse leisure area</b></p> <p>8. <b>Possible graveyard extension St Mary’s Church</b></p> <p><b>New development which impacts adversely on the openness of these sites, or any of the special qualities that make these spaces significant will not be permitted, except in very special circumstances.</b></p>	<p>Development proposals should protect, manage and plan for the preservation of existing and delivery of new green 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>green spaces is a national designation.</p> <p>Policy B10 raises no issues of general conformity and Policy SS6 of the HLPCS seeks to protect the network of green infrastructure of which the designated local green spaces are key components.</p>
<p><b>Policy B11 - Protection and where possible enhancement of local community facilities</b></p>	<p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p><b>Policy SC1 Social and community facilities</b></p>	<p>Policy B11 adds additional information to Policy SC1 of the HLPCS to enable specific criteria to be used</p>

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<p><b>There will be a presumption in favour of the protection and where possible enhancement of existing facilities. The proposed re-use of local community facilities such as the village hall and educational facilities will only be permitted for other health, education or community type uses, unless the following can be demonstrated:</b></p> <p><b>(a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or</b></p> <p><b>(b) Satisfactory evidence is produced that there is no longer a need for the facility.</b></p>	<p><b>Policy OS1 -Requirement for open space, sports and recreation facilities</b></p> <p>The provision of appropriate open space, sports and recreation facilities will arise in the following proposals for planning applications:</p> <ol style="list-style-type: none"> <li>1. all new residential dwellings; or</li> <li>2. retail and employment proposals where there is need to provide informal areas of amenity greenspace for the use of employees and visitors; and</li> <li>3. residential institutions, student accommodation, assembly and leisure, hotels or hostels.</li> </ol> <p><b>Policy OS2 – Meeting open space, sports and recreation needs</b></p> <p>In order to meet the needs of the community, provision for open space, sports and recreation facilities will be sought, where appropriate, taking into account the following principles:</p> <ol style="list-style-type: none"> <li>1. any new development must be in accordance with all applicable set standards of quantity, quality and accessibility as defined; and</li> <li>2. provision of open space, sports and recreation facilities should be located onsite unless an off-site or partial off-site contribution would result in an equally beneficial enhancement to an existing open space, sports and/or recreation facility which is of benefit to the local community.</li> </ol> <p><b>Policy OS3 – Loss of open space, sports or recreation facilities</b></p>	<p>to determine planning applications. The policy is in general conformity with SC1.</p> <p>Policy B10 promotes sustainable development in general conformity with SS1.</p> <p>Some community facilities are used as sports and recreation facilities. Policy B11 adds additional information to Policy OS1 and OS2 of the HLPCS to enable specific criteria to be used to determine planning applications. The policy is in general conformity with both policies.</p>

Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
	<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>	
<p><b>Policy B12 - Community facilities, Community Infrastructure Levy and Section 106 Undertakings and Agreements</b></p> <p><b>Development will be required to support proposals for improved community facilities and infrastructure in the parish. Priority will be given to the following proposals:</b></p>	<p><b>Policy SS1 – Presumption in favour of sustainable development</b></p> <p><b>Policy ID1 – Infrastructure Delivery</b></p>	<p>Policy B12 is in general conformity with the aim of HLPCS Policy ID1 which identifies developer contributions towards infrastructure improvements, in that it identifies specific areas where contributions would be welcomed.</p>

Burghill NDP Basic Conditions Statement – December 2017

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<p>(a) Community facilities for leisure, transport and communication;</p> <p>(b) Community services such as printing and its accommodation;</p> <p>(c) Educational support for all ages;</p> <p>(d) Improvements to public realm.</p> <p>This Policy should be read in conjunction with Policy B7 of this Neighbourhood Development Plan.</p>		
<p><b>Policy B13 - Flood Risk, Water Management and surface water run-off</b></p> <p>(a) All development should be preferentially located within Flood Zone 1 (Low Risk), where possible in accordance with National Planning Policy Guidance (NPPG) and Herefordshire Council’s Core Strategy (Policy SD3 - Sustainable</p>	<p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p><b>Policy SS6 Environmental quality and local distinctiveness</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> </ul>	<p>Policy B13 is in general conformity with Policy SS1 of the HLPCS in that it promotes sustainable development.</p> <p>Policy B13 adds local; detail to Policy SS6 and SS7 of the HLPCS. Criteria (a) to (h) of Policy B13 will be used to assess planning applications and help to ensure this</p>

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<p><b>water management and water resources). It must also have regard to the Strategic Flood Risk Assessment (2009) for Herefordshire. Where development is deemed acceptable within Flood Zones 2 and 3 (in accordance with the Sequential Test) we would expect proposals to demonstrate that they are safe and will not increase flood risk to third parties, with flood-risk betterment provided where possible.</b></p> <p><b>(b) New development should be designed to maximise the retention of surface water on the development site and to minimise runoff. Sustainable drainage systems (SuDS) should be implemented where possible.</b></p> <p><b>(c) All water management schemes, for either foul or surface water, shall be</b></p>	<ul style="list-style-type: none"> <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> <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></p>	<p>strategic policy objective is met.</p>

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<p>constructed to a standard capable of adoption by the relevant statutory undertaker. These works shall be completed and the adoption agreement shall be completed before any dwellings on the linked development are occupied.</p> <p><b>(d) The design of new buildings and infrastructure should take account of existing topography to manage the flow of water along specific flow routes away from property and into appropriate storage facilities. Water attenuation facilities such as lagoons, ponds and swales should be provided within development sites, where possible.</b></p> <p><b>(e) Sustainable design of buildings which support rain water harvesting are supported. Storage of rain water for non-drinking</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 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 Strategic Flood Risk Assessment (SFRA) 2009 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</li> </ol>	



Burghill NDP Basic Conditions Statement – December 2017

<b>Burghill Neighbourhood Development Plan</b>	<b>Herefordshire Local Plan Core Strategy 2011 – 2031</b>	<b>Assessment of “general Conformity</b>
<p>water purposes such as watering gardens and flushing toilets is encouraged.</p> <p><b>(f) Areas of hard standing such as driveways and parking areas should be avoided or porous materials used, where possible.</b></p> <p><b>(g) Where such opportunities arise, developments should help to maintain, conserve and where possible, enhance culverts, watercourses and riverside habitats. Where necessary, this should be through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of any aquatic environment in or adjoining the development site.</b></p> <p><b>(h) Development that may result in the capacity of the wastewater treatment works (WwTW) and/or the</b></p>	<p>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;</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 standards 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.</p> <p>Proposals which are specifically aimed at the sustainable management of the water environment will in particular be</p>	

Burghill NDP Basic Conditions Statement – December 2017

<b><i>Burghill Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031</i></b>	<b><i>Assessment of “general Conformity</i></b>
<p><b>public sewerage network becoming overloaded will not be permitted. In either of these instances, development will need to be phased or delayed until capacity becomes available, either through DCWW regulatory investment or, in advance of this through the developer funding the improvements themselves via the provisions of the Water Industry Act (1991) and/or section 106 of the Town and Country Planning Act (1990).</b></p>	<p>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.</p>	
<p><b>Policy B14 - Development of Renewable Energy Facilities in Burghill Parish</b></p> <p><b>The site identified on Map 7 will be supported for development as a solar farm subject to satisfying the criteria (a) – (h) within this policy.</b></p> <p><b>Further proposals for renewable energy development, including</b></p>	<p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p><b>Policy SS6 – Environmental quality and local distinctiveness</b></p> <p><b>Policy SS7 - Addressing climate change</b></p> <p><b>Policy SD1 – Sustainable design and energy efficiency</b></p> <p><b>Policy SD2 – Renewable and low carbon energy generation</b></p> <p>Development proposals that seek to deliver renewable and low carbon energy targets will be supported where they meet the following criteria:</p>	<p>Policy B14 promotes sustainable development and is in general conformity with Policy SS1.</p> <p>Policy B14 is in general conformity with Policies SS6, SS7, SD1 and SD2 in that it designates a site for future renewable energy and sets specific criteria</p>

Burghill NDP Basic Conditions Statement – December 2017

<b><i>Burghill Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031</i></b>	<b><i>Assessment of “general Conformity</i></b>
<p><b>biomass, hydro, solar, landfill and biogas, will be permitted when:</b></p> <ul style="list-style-type: none"> <li><b>(a) any associated buildings are of appropriate size, scale, design and siting;</b></li> <li><b>(b) the site is suitably located in relation to any necessary raw materials;</b></li> <li><b>(c) there is no adverse impact on the character of the landscape, sites of nature conservation, archaeological and historical value;</b></li> <li><b>(d) there is no detrimental impact on any neighbouring land uses, including Listed Building or Conservation Area;</b></li> <li><b>(e) there is no adverse impact caused by any connection or switching equipment;</b></li> <li><b>(f) the level and impact of any potentially polluting substances is minimised;</b></li> </ul>	<ol style="list-style-type: none"> <li>1. the proposal does not adversely impact upon international or national designated natural and heritage assets;</li> <li>2. the proposal does not adversely affect residential amenity;</li> <li>3. the proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment; and</li> <li>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.</li> </ol> <p>In the case of energy generation through wind power developments, permission will only be granted for such proposals where:</p> <ul style="list-style-type: none"> <li>• the proposed site is identified in a Neighbourhood Development Plan or other Development Plan Document as a suitable site for wind energy generation; and</li> <li>• following consultation with local residents, it can be demonstrated that the planning impacts identified can be fully addressed, and therefore the proposal has the backing of the local community.</li> </ul>	<p>against which to assess planning applications.</p>

Burghill NDP Basic Conditions Statement – December 2017

<b><i>Burghill Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031</i></b>	<b><i>Assessment of “general Conformity</i></b>
<p><b>(g) there is no nuisance or disturbance caused by noise, dust, or smells; and</b></p> <p><b>(h) suitable means for disposal of waste arising are incorporated.</b></p>		

### **3.6 (f) Be Compatible with EU Obligations**

The Submission Neighbourhood Development 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 Development 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 SEA screening report was prepared by Herefordshire Council to determine whether or not the content of the draft Burghill Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. A Habitat Regulations Assessment screening report was also undertaken for the Neighbourhood Development Plan to determine whether a Habitats Regulations Assessment (HRA) is required 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).

#### **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 Development Planning, a Habitats Regulation Assessment (HRA) is required where a Neighbourhood Development 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. There are no European Sites within the neighbourhood area or in close proximity.

## **SEA/HRA Determination**

### **Strategic Environmental Assessment (SEA)**

The screening assessment prepared by Herefordshire Council indicated that, due to the range of environmental designations in and around the parish, there may be significant environmental effects and consequently, that a SEA would be required.

The SEA concluded that the Burghill 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). The plan proposes a level of growth which is proportionate that would be that prescribed by strategic policies. Consequently, no changes to the NDP were recommended as a result of the SEA.

### **Habitats Regulations Assessment (HRA)**

A screening assessment to determine the need for HRA was undertaken by Herefordshire Council. There were no changes made to the Burghill submission policies since the previous submission version. Therefore the earlier conclusion that the Burghill NDP will not have a likely significant effect on the River Wye SAC remains valid. Revised an updated SEA and HRA assessments have been produced an are contained in the submitted Environment Report.

### **European Convention on Human Rights**

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

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

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

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Development 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 Town and Country Planning Act 1990, 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 Development 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 Development 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.

Prepared on behalf of Burghill Parish Councils by Kirkwells Town Planning Consultants [www.kirkwells.co.uk](http://www.kirkwells.co.uk)

