

Lyonshall Parish

Neighbourhood
Development Plan



Basic Conditions Statement

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

Lyonshall Parish Council
January 2019

With assistance from

1.0 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

2.0 LEGAL REQUIREMENTS

2.1 The Submission Plan is being submitted by a qualifying body

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

2.2 What is being proposed is a neighbourhood development plan

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

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

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2019 to 2031 (the same period as the Herefordshire Local Plan Core Strategy, Adopted October 2015).

2.4 The policies do not relate to excluded development

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

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

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

3.0 BASIC CONDITIONS

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

The Lyonshall Neighbourhood Development Plan has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF)².

2. Achieving Sustainable Development

Paragraph 1 of the NPPF explains that "*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*" Paragraph 7 sets out that "*The purpose of the planning system is to contribute to the achievement of sustainable development.*" The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

Table 1 sets out how the Lyonshall NDP delivers the 3 overarching Objectives:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	Lyonshall NDP Policies and Proposals
<p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p>	<p>Lyonshall NDP provides a strong and supportive framework for local business and investment in the economy which is appropriate to this very rural area.</p> <p>NDP Objective 2 Jobs aims to support opportunities for local employment and business appropriate to the area's rural character and agricultural economy.</p> <p>This objective will be delivered through policies LB1, LB2, LB3 and LB4. Policy LB 1 supports proposals for appropriate new economic development at Burgoynes Lyonshall and Ovals Farm Industrial estate</p>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

	<p>subject to criteria. Policy LB2 encourages rural diversification through the restoration of redundant buildings. Policy LB3 guides large agricultural buildings and polytunnel development to help ensure the sensitive landscape character is protected and Policy LB4 supports suitable local energy schemes. Policy LH3 also supports homeworking</p> <p>The NDP recognises the constraints of local infrastructure and requires proposals for new development to provide suitable parking and to manage drainage effectively (Policy LH1 and LB1).</p> <p>Policy LT1 recognises the constraints of the rural road network and encourages provision of safe and accessible routes linking to existing public footpaths, cycleways, and local facilities and requires new development to be accessible to public transport services and facilities such as bus stops. Policies LH1 and LB1 also require suitable and safe provision for pedestrians and cyclists.</p>
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</i></p>	<p>Lyonshall NDP recognises the importance of contributing to the social sustainability of the local community.</p> <p>NDP Objective 1 - Housing is to promote sustainability through thoughtful and considered development of a range of housing. This will be achieved through Policy LH1 which identifies settlement boundaries and proposed development sites to provide for a substantially higher quantum of housing development than that identified as a minimum requirement in the Core Strategy. This supports the parish council's views that the village should continue to grow in order to support and sustain local services. Policy LH2 sets out the range of house types and sizes required in the area and this has been informed by responses to the NDP from local residents about their needs. Policy LH3 promotes high quality design in new housing.</p>

	<p>The NDP also supports investment in local community facilities; Objective 4 - Services & Amenities is to support and promote existing amenities and services including sustainable transport and whenever possible encourage new ones. Policy LC1 sets out criteria to guide the development of new recreational, community and educational facilities close to the existing site of the Memorial hall and Policy LC2 protects an existing area of open space and supports investment in new facilities.</p>
<p><i>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>Lyonshall NDP has a strong emphasis on environmental sustainability.</p> <p>NDP Objective 3 Nature seeks to protect and enhance the local natural environment including wildlife and landscape through Policies LE1 and LE2. Policy LE 1 protects and enhances local landscape character and built heritage and Policy LE2 protects and enhances wildlife.</p> <p>Objective 5 Access is to encourage improved accessibility and activities for all, such as walking and cycling. This will be delivered through Policy LT1 which encourages provision of safe and accessible routes linking to existing public footpaths, cycleways, and local facilities and requires new development to be accessible to public transport services and facilities such as bus stops.</p> <p>Other NDP policies also contribute to environmental objectives: Policy LH1 encourages food growing and grey water recycling, Policy LH3 protects local residential amenity, Policy LB4 addresses issues linked to major agricultural development such as odours, noise and light pollution and Policy LB4 encourages community led energy schemes but resists further biodigesters which are considered a nuisance in the parish.</p>

3. Plan Making

In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the Lyonshall NDP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	Lyonshall NDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	The Lyonshall NDP has been prepared to contribute to sustainable development; Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.
b) be prepared positively, in a way that is aspirational but deliverable;	<p>The NDP has been prepared positively. The Parish Council, through the Steering Group, has worked hard to ensure policies are positively worded to "support" and "encourage" suitable development. The identification of the settlement boundaries and proposed housing sites has been achieved through an extensive and thorough approach to community engagement and with the support and involvement of local landowners.</p> <p>The neighbourhood area has already seen significant housing development in recent years but the parish council would like the NDP to provide a positive planning framework to support continued and sustainable levels of growth to help ensure the future survival and improvement of local facilities. The deliverability of new housing proposals is evidenced by the commitment of local landowners and recent examples of development schemes which have been brought forward (although issues around drainage may lead to delays for some proposals).</p> <p>The design policies in the NDP set out robust and aspirational criteria which reflect local concerns about the need for housing to respond to</p>

	the existing local vernacular in terms of scale, density and materials and to be of a high quality in design terms.
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	<p>The accompanying Consultation Statement sets out the details of the extensive, wide ranging and multiple community consultation and engagement activities which have been undertaken since 2012 at all stages of the Plan's preparation. Briefly this has included:</p> <ul style="list-style-type: none"> • Questionnaires and surveys in 2012 and 2013 • A Housing Needs Survey in 2017 • Issues and Options consultation in 2017 • Informal and Formal (Reg 14) consultation in 2018. <p>Consultations were promoted using newsletters, leaflets, posters and the parish newsletter. The documents were placed on the NDP webpages and several open meetings and events were held.</p> <p>Comments and representations have been submitted throughout the process by residents, local organisations, landowners, the local authority and, at the formal stage by consultation bodies. At each consultation stage representations have been considered carefully and appropriate amendments to the NDP made.</p>
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	<p>The NDP policies and proposals have been prepared by a steering group of local residents, with support from a planning consultant and planning officers at Herefordshire Council.</p> <p>Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.</p>
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	Updates and documents have been provided on the NDP website at all stages of plan preparation.

	Public presentations have included use of Power Point and presentational materials have also been provided on the website. These presentations included detailed explanation of emerging policies and proposals.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The NDP has been amended and updated to reduce duplication both of policies within the Herefordshire Local Plan Core Strategy and duplication with national policies.

The Plan Making Framework

Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The Lyonshall NDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Herefordshire Core Strategy. The supporting text for the NDP policies refers to the relevant strategic policies.

Non-strategic policies

Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Lyonshall NDP promotes more development than that proposed in the Core Strategy and supports the strategic policies and does not undermine them.

Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

5. Delivering a sufficient supply of homes

Paragraph 65 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The Lyonshall NDP has been prepared in the context of Core

Strategy Policy RA1 which sets out the minimum growth figure for Kington rural Housing Market Area as 12% or a minimum of 36 new houses in the Parish by 2031. Core Strategy Policy RA2 identifies two settlements for housing growth in the Parish. Lyonshall (village) is identified in Table 4.14 as the main focus of proportionate housing development, and Holme Marsh is identified in Table 4.15 as a settlement where proportionate housing is appropriate. (Outside these settlements the rural area policies (Policies RA3, RA4 and RA5) will apply.) The NDP directs growth towards the 2 settlements by identifying a settlement boundary and site allocations for Lyonshall and a settlement boundary for Holme Marsh.

Paragraph 69 sets out that neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area. The NDP includes allocations for larger sites, but given the low densities of existing built up areas, indicative housing numbers in the NDP set out small and medium sized schemes for some sites.

Lyonshall is located within a very rural area. Paragraph 78 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The NDP supports this principle by guiding new development proposals to the larger settlement of Lyonshall.

6. Building a strong, competitive economy

Paragraph 83 advises that In rural areas planning policies should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. The Lyonshall NDP addresses all these matters through policies in the Business and Community chapters.

8. Promoting healthy and safe communities

Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The NDP includes policies which protect and encourage investment in local community facilities, support food growing and promote walking and cycling. An existing open space is identified and protected in support of paragraph 96 which advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

9. Promoting sustainable transport

Paragraph 102 advises that opportunities to promote walking, cycling and public transport use should be identified and pursued. Walking, cycling and use of public transport are promoted in NDP policies addressing housing and business and development.

11. Making effective use of land

Paragraph 118 advises that planning policies should a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; and b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production. The Lyonshall NDP supports habitat protection and creation in a landscape policy and supports wildlife protection and enhancement in a wildlife policy. A housing policy promotes provision of adequate gardens for food growing and suitable management of run off.

Achieving appropriate densities

Paragraph 122 sets out that planning policies and decisions should support development that makes efficient use of land, taking into account, amongst other things, d) the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Density of new development is a significant issue for Lyonshall. Existing densities are comparatively low, and the settlement pattern is scattered with many houses sitting in substantial plots. While site allocations in the NDP cover relatively large areas, policies promote low densities which respond to and are appropriate to existing character.

12. Achieving well-designed places

Paragraph 124 explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Lyonshall NDP includes several policies which promote high quality design which responds to existing character and context. All policies have been prepared with the close involvement of the local community.

14. Meeting the challenge of climate change, flooding and coastal change

Paragraph 148 advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 151 goes on to set out that to help increase the use and supply of renewable and low carbon energy and heat, plans should c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers and in paragraph 152, local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning. Lyonshall NDP includes Policy LB4 which sets out that small scale renewable energy schemes and community-led energy schemes will be supported subject to criteria.

Planning and flood risk

Paragraph 157 sets out that plans should avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by various measures including c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques). NDP Policy LH1 requires housing proposals to effectively manage surface water drainage.

15. Conserving and enhancing the natural environment

Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside. NDP Policy LE1 protects and enhances local landscape character and Policy LE2 protects and enhances wildlife habitats as identified on maps.

Ground conditions and pollution

Paragraph 180 sets out that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes considering such matters as noise and light pollution. Lyonshall NDP Policy LB1 protects local residential amenity and Policy LB2 addresses noise, light and smells

16. Conserving and enhancing the historic environment

Paragraph 184 advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 18 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Lyonshall NDP policy aims to protect and

enhance built heritage by requiring development to be designed to protect and enhance the setting of important buildings and other heritage assets, particularly traditional rural buildings such as black and white timber framed farm houses and cottages.

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

The NDP notes that there are 26 Listed Buildings and Scheduled Monuments in the neighbourhood area, including Lyonshall Castle and a section of Offa's Dyke which runs across the middle of the area north west to south east. NDP Policy LE1 Protecting and Enhancing Local Landscape Character and Built Heritage requires development to be designed to protect and enhance the setting of important buildings and other heritage assets, particularly traditional rural buildings such as black and white timber framed farm houses and cottages.

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

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

The Plan area does not include any Conservation Areas.

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

3.4 d. Contributes to the Achievement of Sustainable Development

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

3.5 e. In General Conformity with Strategic Local Planning Policy

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Local Plan Core Strategy 2011 - 2031 which was adopted in October 2015. Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the Core Strategy.

Table 3 General Conformity with Strategic Local Planning Policies

Lyonshall NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>Policy LH1 Settlement Boundaries</p> <p>The settlement boundaries for the two settlements of Lyonshall village and Holme Marsh are defined on Policy Map 4 and Policy Map 5.</p> <p>The following site allocations are identified for new housing within the settlement boundary of Lyonshall village as shown on Policy Map 4:</p> <ul style="list-style-type: none"> • Site A: Orchard behind Howe Terrace (5 units) • Site B: Bakers Meadow (18 units) • Site C: Land off Spond Lane opposite the Barns (18 units) • Site D: Land adjoining the Memorial Hall (2 units) • Site E: Land opposite the Memorial Hall (2 units). <p>Within the settlement boundaries, new housing development will be supported provided that:</p> <ol style="list-style-type: none"> 1. Schemes are small to medium in scale. Up to 5 units are preferred, but larger schemes of around 15 - 18 units will be considered, provided they guarantee the delivery of affordable units as defined in the National Planning Policy Framework [NPPF]. 	<p>Policy RA1 – Rural housing distribution</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> <p>Rural HMA Kington</p> <p>Approximate number of</p>	<p>Lyonshall NDP area and parish lies within the Kington rural HMA.</p> <p>NDP Policy LH1 identifies settlement boundaries for Lyonshall village and the smaller settlement of Holme Marsh and sets out locally appropriate criteria to guide new development proposals.</p> <p>Site allocations for new housing development are identified within the identified settlement boundary of Lyonshall village, subject to local criteria.</p> <p>Core Strategy Policy RA1 identifies a housing growth target of at least 12% for Kington rural Housing Market Area. This is likely to be exceeded in Lyonshall as although there have been a number of recent developments and there are a significant number of existing commitments which already exceed the minimum housing requirement, the Parish Council is committed to some further growth to support local services and maintain a viable village and parish community.</p> <p>Policy RA2 sets out criteria for new development in identified settlements, including Lyonshall and Home Marsh.</p>

Lyonshall NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>2. Development responds positively and sensitively to local character and setting.</p> <p>3. The development is of a low density appropriate to the rural village character of each settlement, defined as a maximum of 12 dwellings per hectare of the site for market housing in the village centre, 8 dwellings per hectare in Holme Marsh, and 25 dwellings per hectare for affordable housing.</p> <p>4. Front gardens with a minimum depth of 7 metres are provided, and rear gardens of adequate size to encourage food growing to support healthy lifestyles.</p> <p>5. Access, car parking and servicing arrangements meet the Highway Authority's requirements.</p> <p>6. Suitable and safe provision is made for access by pedestrian and cyclists.</p> <p>7. Proposals effectively manage surface water drainage. Development should not result in increased run-off from the site but should achieve a reduction in rate and volume where possible. Sustainable building designs that incorporate grey water storage will be encouraged.</p>	<p>dwellings 2011 - 2031 317</p> <p>Indicative housing growth target (%) 12%</p> <p>Policy RA2 – Housing in settlements outside Hereford and the market towns.</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>	

Lyonshall NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>8. Proposals should follow a sequential approach to flood risk with all built development being located within Flood Zone 1, the low risk zone, in the first instance.</p>	<p>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;</p> <p>2. Their locations make best and full use of suitable brownfield sites wherever possible;</p> <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>Figure 4.14: The settlements which will be the main focus of proportionate housing</p>	

Lyonshall NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
	<p>Development Kington: Lyonshall</p> <p>Figure 4.15: Other settlements where proportionate housing is appropriate. Kington: Holme Marsh</p>	
<p>Policy LH2 House Types and Sizes</p> <p>1. Over the plan period a range of dwelling sizes, types and tenures should be provided in new housing developments, to meet local need. Developers should ensure proposals respond to the most up to date evidence for addressing local housing need and development should contribute to a sustainable population to support business in the parish such as the pub, shop, post office and Memorial Hall.</p> <p>2. A suitable proportion of small to medium sized market homes and affordable housing (up to 3 bedrooms) will be encouraged for first time buyers, smaller households and older residents wishing to downsize within the local area. Schemes that provide specialist supported accommodation for older residents will also be supported.</p>	<p>Policy H3 – Ensuring an appropriate range and mix of housing</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"> 1. provide a range of house types and sizes to meet the needs of all households, including younger single people; 2. provide housing capable of being adapted for people in the community with additional needs; and 3. provide housing capable of meeting the specific needs of the elderly population by: <ul style="list-style-type: none"> - providing specialist accommodation for older people in suitable locations; . ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population; 	<p>NDP Policy LH2 sets out how new housing should provide a range of house types and sizes, including smaller and medium sized homes and self build housing in response to NDP consultation responses about the types of housing people would like to see locally.</p> <p>This is in general conformity with Core Strategy Policy H3 which sets out that residential developments should provide a range and mix of housing to meet needs of all households.</p>

Lyonshall NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>3. Schemes for self-build housing will be encouraged and supported.</p> <p>4. Proposals for the re-use of redundant agricultural buildings for housing will be supported where they meet the criteria set out in Policy LB2.</p>	<p>ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.</p> <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>Policy LH3 Promoting High Quality Design</p> <p>New development should demonstrate a positive approach to design. In particular, development schemes should incorporate the following design principles:</p> <p>1. New development should enhance and reinforce the style and structure of the village, both in Lyonshall and Holme Marsh. A proposal for new housing should not feature a generic scheme but should demonstrate how it responds to the character of the site and its surroundings, in scale, mass and built form [as described in Appendix 1 - Housing Character and Density].</p> <p>2. Layouts should respect the traditional village form in each settlement. In the centre of Lyonshall village, individual properties should follow a linear pattern, fronting the road and set back within garden plots, while dwellings in larger developments should also be set back</p>	<p>Policy SS6 - Environmental quality and local distinctiveness</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"> landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty; 	<p>Policy LH3 seeks to protect local character by requiring new development to respond to local distinctiveness. Criteria include the need to incorporate local characteristics such as low density, large plots, layouts appropriate to each village and local materials. The criteria have been prepared following analysis of the local context by steering group members and responding to local comments during informal consultations.</p> <p>This is in general conformity with Core Strategy Policy SS6 which provides broad, strategic criteria requiring development to respond to the county's distinctiveness and to consider landscapes and townscapes.</p> <p>In addition Core Strategy Policy LD1 requires development proposals to demonstrate how the character of the landscape and townscape has positively influenced the design.</p>

Lyonshall NDP Policies	Herefordshire Local Plan Core Strategy Policies	General Conformity
<p>from their access roads or common spaces. Towards the edge of the village and in Holme Marsh, development should be more scattered in form, with low plot density and individual properties set within large plots. Landscaping and planting for screening, separating and simply as attractive features should be defined in all proposals. In all areas, plot sizes should allow for suitable external storage facilities such as cycle storage units, sheds and garages.</p> <p>3. Where planning permission is required, extensions to existing buildings should be in scale with the original building.</p> <p>4. Schemes that include provision for home working such as office space / annexes will be encouraged.</p> <p>5. Groups of new buildings should contain a mixture of types, in sympathy with each other, but not identical in shape, style or design. The form and detailing of individual dwellings is expected to be robust and engaging, designed to give pleasure to occupiers, villagers and passers-by.</p> <p>6. Materials should be chosen to add to the quality or character of the surrounding environment. Their quality is very important, and in particular their weathering</p>	<ul style="list-style-type: none"> • biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest; • historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings; • the network of green infrastructure; • local amenity, including light pollution, air quality and tranquillity; • agricultural and food productivity; • physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation. <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>Policy LD1 – Landscape and townscape</p> <p>Development proposals should:</p>	

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<p>characteristics over the life of the building. Where possible, locally appropriate materials should be used. However, new development proposals need not imitate earlier architectural periods or styles, and imaginative, modern and sustainable designs will be encouraged wherever possible.</p> <p>7. Proposals should be designed to minimise adverse impacts on neighbours and general local amenity, giving careful consideration to noise, light and smells.</p>	<ul style="list-style-type: none"> - 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; - conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management; - incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and - maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure. 	
<p>Policy LB1 Protecting and Enhancing Local Employment Opportunities in Lyonshall</p> <p>Proposals for appropriate new economic development at Burgoynes Industrial Estate will be supported provided that:</p> <p>1. Development is for small scale business units (B1 use);</p>	<p>Policy SS5 - Employment provision</p> <p>The continuing development of the more traditional employment sectors such as farming and food and drink manufacturing will be supported. The diversification of the business base, through the development of knowledge intensive industries, environmental technologies and creative industries as well as</p>	<p>NDP Policy LB1 supports further employment development at existing employment sites in the neighbourhood area, subject to local criteria. The identified settlement boundary at Holme Marsh includes areas that may be developed to support suitable expansion of the site at Burgoynes.</p> <p>This is in general conformity with Core Strategy strategic Policy SS5 which supports continuing</p>

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<p>2. Adequate on-site car parking is provided for occupiers and visitors and suitable access is provided to the A480 and A44 respectively;</p> <p>3. Amenity of neighbouring residential areas is protected, and suitable screening and landscaping is provided using a mix of native, locally appropriate, deciduous species;</p> <p>4. Development is of a high design quality which is sensitive to the character of the surrounding rural area; and</p> <p>5. Suitable and safe provision is made for access by pedestrian and cyclists.</p>	<p>business hubs, live-work schemes and the adaptive design of residential development, will be facilitated where they do not have an adverse impact on the community or local environment. The provision of high speed broadband to facilitate diversification will be supported.</p> <p>Policy E1 - Employment provision</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. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:</p> <ul style="list-style-type: none"> • the proposal is appropriate in terms of its connectivity, scale, design and size; • the proposal makes better use of previously developed land or buildings; • the proposal is an appropriate extension to strengthen or diversify an existing business operation; • the proposal provides for opportunities for new office development in appropriate locations. The provision of viable live/work 	<p>development of existing employment sectors and support for appropriate diversification. In addition Policy E1 supports employment provision in rural industrial estates subject to criteria.</p>

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	units as part of mixed use developments will also be encouraged.	
<p>Policy LB2 Supporting Rural Diversification</p> <p>Rural diversification will be encouraged where the restoration of redundant buildings is to a standard that enhances the quality of living for the inhabitants.</p> <p>Modest alterations including adequate provision of daylight, and extensions, will be supported.</p>	<p>Policy RA5 – Re-use of rural buildings</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"> 1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting; 2. design proposals make adequate provision for protected and priority species and associated habitats; 3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and; 4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and 5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, 	<p>NDP Policy LB2 supports rural diversification where it is linked to the restoration of redundant buildings and suitable, modest alterations are supported.</p> <p>This is in general conformity with Core Strategy Policy RA5 which supports the re-use of rural buildings subject to criteria and Policy RA6 which supports rural diversification.</p>

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	<p>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>Policy RA6 - Rural economy Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:</p> <ul style="list-style-type: none"> • support and strengthen local food and drink production; • support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses; • involve the small scale extension of existing businesses; 	

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	<ul style="list-style-type: none"> • promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism; • promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced; • support the retention of existing military sites; • support the retention and/ or diversification of existing agricultural businesses; Planning applications which are submitted in order to diversify the rural economy will be permitted where they: <ul style="list-style-type: none"> • ensure that the development is of a scale which would be commensurate with its location and setting; • do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell; • do not generate traffic movements that cannot safely be accommodated within the local road network; and • do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4. 	
<p>Policy LB3 Large Agricultural Buildings and Extensions</p> <p>Any proposals for poly-tunnels, large agricultural buildings and other rural business buildings which require planning consent will be required to take into consideration any adverse</p>	<p>Policy LD1 – Landscape and townscape</p> <p>Development proposals should:</p> <ul style="list-style-type: none"> - demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, 	<p>The Core Strategy does not include a specific policy on large agricultural buildings, but Policy LB3 brings forward many of the criteria set out in an SPD on polytunnels.</p>

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<p>impact on local landscape features, and to provide suitable measures for mitigation. Buildings should be sited on lower ground and slopes wherever possible and should not be in prominent locations on the skyline. However large broiler houses may be sited on higher ground to help reduce and disperse unpleasant odours, where adverse impacts on the landscape and long distance views are minimised through suitable screening and landscaping. Landscaping conditions will be required to disguise the buildings over 10 years, creating a wooded area.</p> <p>Development proposals should protect or mitigate impacts on protected species and habitats and the creation, restoration and enhancement of local habitats will be encouraged as part of landscaping schemes.</p> <p>Development of poly-tunnels, large agricultural buildings and other rural business buildings that adversely affect the setting of listed buildings, scheduled monuments, registered or unregistered historic parks and gardens or other local heritage assets will not be permitted. All such developments should be a minimum of 500m from a property boundary.</p> <p>Development of poly-tunnels, large agricultural buildings and other rural business buildings</p>	<p>protection and enhancement of the setting of settlements and designated areas;</p> <ul style="list-style-type: none"> - conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management; - incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and - maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure. 	<p>NDP Policy LB3 is in general conformity with Core Strategy Policy LD1 which protects landscape character.</p> <p>Large agricultural buildings have become more prevalent and prominent in the local landscape as farming practices change - in particular large, industrial-type units for intensive chicken rearing. This Policy seeks to ensure that such proposals are appropriately sites and designed to protect the rural landscape setting.</p>

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<p>which have an unacceptable adverse impact on the amenity of residents of nearby dwellings will not be permitted. Development proposals should give careful consideration to noise, light and smells which might spoil the enjoyment of the area by neighbouring occupiers. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient.</p> <p>Applicants will be required to demonstrate that the vehicular means of access and local highway network (in terms of design and capacity) are adequate to cater for increases in traffic generation in terms of numbers and types of vehicles.</p> <p>Operating broiler house businesses wishing to expand existing sites or propose new developments will be required to comply with the night-time vehicle restriction on all sites within an operating group.</p>		
<p>Policy LB4 Local Energy Schemes</p> <p>Small scale renewable energy schemes and community-led energy schemes will be supported in Lyonshall Parish where any adverse impacts on landscape character and built heritage are mitigated by siting, design and landscaping / screening.</p>	<p>Policy SD2 – Renewable and low carbon energy generation</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>1. the proposal does not adversely impact upon international or national</p>	<p>Policy LB4 supports small scale renewable energy schemes including community led schemes subject to careful design and landscaping as part of contributions towards sustainability objectives.</p> <p>This policy is in general conformity with Core Strategy Policy SD2 which supports proposals</p>

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<p>Schemes for solar panels on existing roofs of large agricultural buildings and domestic buildings will be supported.</p> <p>No further bio digesters will be supported as the local highway infrastructure cannot safely sustain it.</p> <p>The topographical and rural setting of Lyonshall parish is not suitable for wind turbine generators. They will be resisted.</p>	<p>designated natural and heritage assets;</p> <p>2. the proposal does not adversely affect residential amenity;</p> <p>3. the proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment; and</p> <p>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.</p> <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"> - the proposed site is identified in a Neighbourhood Development Plan or other Development Plan Document as a suitable site for wind energy generation; and - following consultation with local residents, it can be demonstrated that the planning impacts identified can be fully addressed, and therefore the proposal has the backing of the local community. 	<p>that seek to deliver renewable and low carbon energy targets, subject to criteria.</p>
<p>Policy LE1 Protecting and Enhancing Local Landscape Character and Built Heritage</p> <p>Development proposals should: -</p>	<p>Policy LD1 – Landscape and townscape</p> <p>Development proposals should:</p> <ul style="list-style-type: none"> - demonstrate that character of the landscape and townscape has positively influenced the 	<p>Policy LE1 seeks to protect local landscape character by providing more local detail such as protecting such as mature native trees and hedgerows, using locally appropriate species in new planting schemes. The policy also requires</p>

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<p>1. Demonstrate in the Design and Access Statement that the 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.</p> <p>2. Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, and maintain and extend tree cover.</p> <p>3. Protect existing hedgerows and use locally appropriate native species in new hedgerows. Mature trees and other important landscape features should be protected where practicable and used positively to enhance landscaping schemes. If removed, they should be replaced with semi-mature trees of at least 5 metres in height.</p> <p>4. Where possible new development should incorporate the planting of semi-mature trees of locally appropriate species in landscaping schemes. The choice of tree type and size should have regard to the site context and proximity to any nearby buildings.</p> <p>5. Incorporate wire and hedging where possible for site and plot boundaries as this is</p>	<p>design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;</p> <ul style="list-style-type: none"> - conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management; - incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and - maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure. 	<p>development to protect and enhance historic buildings.</p> <p>This is in general conformity with Core Strategy Policy LD1 which provides broad, strategic criteria to protect landscape and townscape at a Herefordshire level.</p>

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<p>more appropriate to the local context than solid fencing.</p> <p>6. Be designed to protect and enhance the setting of important buildings and other heritage assets, particularly traditional rural buildings such as black and white timber framed farm houses and cottages.</p>		
<p>Policy LE2 Protecting and Enhancing Local Wildlife</p> <p>Development proposals that impact on local wildlife and habitats identified on Maps 6 and 7 will not be prevented, but they should demonstrate how biodiversity will be protected and enhanced.</p> <p>New developments should retain and incorporate natural habitats such as trees and hedgerows as far as practicable. Where not practicable, changes should provide an enhanced habitat for wildlife, and ponds and watercourses if moved should provide an enhanced environment.</p> <p>Substantial harm to or loss of irreplaceable habitats such as ancient woodland, should be wholly exceptional and only permitted where the development is to aid the maintenance and enhancement of the habitat. Where development proposals are located close to</p>	<p>Policy LD2 – Biodiversity and geodiversity</p> <p>Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:</p> <p>1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows: a) Development that is likely to harm sites and species of European Importance will not be permitted; 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; c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will</p>	<p>NDP Policy LE2 aims to protect and enhance biodiversity assets in Lyonshall including those identified on a map. The policy refers to locally important wildlife habitats such as ponds and water courses.</p> <p>Policy LE2 is in general conformity with Core Strategy Policy LD2 which protects biodiversity and geodiversity at the Herefordshire scale.</p>

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<p>areas of ancient woodland or veteran trees, a buffer strip of 25m should be provided to protect the core of the woodland.</p> <p>Where possible, schemes should incorporate measures which support and enhance local wildlife such as swift bricks, owl and bat boxes, and landscaping schemes should include the planting of locally appropriate species and wildlife meadows which support biodiversity.</p> <p>All development in Lyonshall will be required to have no detrimental impact on the Curl Brook watercourse and, where possible, aid in it achieving ‘good status’ by 2027.</p>	<p>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> <ol style="list-style-type: none"> 1. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and 2. creation of new biodiversity features and wildlife habitats. <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>Policy LC1 Memorial Hall</p> <p>Development which contributes towards the provision of new recreational, community and educational facilities will be supported on or close to the site of the existing Memorial Hall.</p> <p>The building should be capable of hosting parties of 100-200 people, with all supporting facilities and with at least one designated</p>	<p>Policy SC1 – Social and community facilities</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</p>	<p>NDP Policy LC1 supports the provision of a new community facility in Lyonshall, recognising that the existing Memorial Hall does not meet local requirements. The policy sets out locally important criteria which address the need to design the building so that it is sensitive to its context and protects local residential amenity.</p>

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<p>meeting room, thus ensuring a sustainable future.</p> <p>Buildings should be designed sensitively to complement the built heritage of Lyonshall, and any redevelopment must carry forward and enhance the hall's role as a memorial. However, they need not imitate earlier architectural periods or styles, and imaginative modern designs will be encouraged.</p> <p>The development proposals should include measures to protect local residential amenity and minimise disturbance from noise. Adequate car and cycle parking for users should be provided on site and where possible improved pedestrian access from the village.</p>	<p>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>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>	<p>This Policy is in general conformity with Core Strategy Policy SC1 which supports proposals which enhance existing provision.</p>

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<p>Policy LC2 Open Space</p> <p>The Children’s Play Area opposite the Royal George Public House is protected from development.</p> <p>Provision of new and enhanced public open space which gives improved facilities for the community such as allotments, will be supported and encouraged as part of developer contributions.</p> <p>Such contributions towards open space provision may be included on site as part of new housing schemes or by means of a financial contribution towards an off-site facility in a suitable new location within the village of Lyonshall.</p>	<p>Policy OS1 - Requirement for open space, sports and recreation facilities</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"> 1. all new residential dwellings; or 2. retail and employment proposals where there is need to provide informal areas of amenity greenspace for the use of employees and visitors; and 3. residential institutions, student accommodation, assembly and leisure, hotels or hostels. <p>Policy OS2 – Meeting open space, sports and recreation needs</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"> 1. any new development must be in accordance with all applicable set standards of quantity, quality and accessibility as defined; and 2. provision of open space, sports and recreation facilities should be located on-site unless an off -site or partial off -site contribution would result in an equally beneficial enhancement to an existing open 	<p>NDP Policy LC2 identifies the existing children's play area for protection under Core Strategy Policy OS3.</p> <p>The Policy is also in general conformity with Core Strategy Policies OS1 and OS2 which set out requirements for new open space provision.</p>

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	<p>space, sports and/or recreation facility which is of benefit to the local community.</p> <p>Policy OS3 – Loss of open space, sports or recreation facilities</p> <p>In determining the appropriateness of proposals which results in the loss of an open space, sports or recreation facility, the following principles will be taken into account:</p> <ol style="list-style-type: none"> 1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard; 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; 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; 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. 	

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<p>Policy LT1 Transport and Accessibility</p> <p>New residential and employment development should encourage walking and cycling for short journeys where this is practicable. This could include provision of safe and accessible routes linking to existing public footpaths, cycleways, and local facilities.</p> <p>New development should be accessible to public transport services and facilities such as bus stops.</p>	<p>Policy SS4 - Movement and transportation</p> <p>New developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.</p> <p>Development proposals that will generate high journey numbers should be in sustainable locations, accessible by means other than private car. Alternatively, such developments will be required to demonstrate that they can be made sustainable by reducing unsustainable transport patterns and promoting travel by walking, cycling and public transport.</p> <p>Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded as required in future local or Neighbourhood Development Plans and developer contributions, which meet the statutory tests, sought to assist with the delivery of new sustainable transport</p>	<p>NDP Policy LT1 encourages walking and cycling and steers new development to locations which are accessible to public transport.</p> <p>This policy is in general conformity with strategy Policy SS4 which requires development to be designed and located to minimise impacts on transport networks and Policy MT1 which promotes active travel behaviour and walking and cycling.</p>

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	<p>infrastructure, including that required for alternative energy cars.</p> <p>Policy MT1 – Traffic management, highway safety and promoting active travel Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> 1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development; 2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport; 3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities; 4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities 	

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	<p>and provide safe access for the emergency services;</p> <p>5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equality value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and</p> <p>6. have regard to 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.</p> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p>	

3.6 f. Be Compatible with EU Obligations

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

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

Strategic Environmental Assessment (SEA)

To meet the 'basic conditions' which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.

The Environmental Report for Lyonshall Neighbourhood Area was published by Herefordshire Council in October 2018 based on the Regulation 14 Draft Plan. The non-technical summary (p1) sets out that:

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

Habitat Regulations Assessment (HRA) screening has been carried out as the Parish falls within the catchment for the River Wye (including River Lugg), and is within the River Lugg. The HRA assesses the potential effects of the NDP on the River Wye (including River Lugg) SAC.

On the whole, it is considered that the Lyonshall Parish 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). Parish Councillors will welcome the conclusion as to general conformity. It also does not propose any growth that would be over and above that prescribed by strategic policies.

Taking into consideration the cumulative effects of policies, options and sites, the plan will have an overall positive impact on environmental assets. The plan is in general conformity with the Core Strategy overall and all of the policies and objectives meet the Core Strategy requirements for the purposes of the SEA. Other issues with a current uncertain outcome have the opportunity to be mitigated by further detail in policies or at planning stage.

Overall the plan is positive and would have a positive impact upon the SEA baseline data. Key recommendations would be to ensure that the environmental mitigation impacts are clear and robust, this may require some enhancement of existing policies in regard to air quality and water resources.

However the plan as a whole is robust and meets key targets, the unknown areas require further detail such as location, scale and size of development, therefore are likely to be determined at planning application/proposal stage. No significant cumulative effects have been identified.

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

The full report is published on the NDP website and Herefordshire Council's webpages for Lyonshall NDP.

Requirement for Habitats Regulations Assessment (HRA)

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

The Habitats Regulations Assessment Regulation 14 Report for Lyonshall Neighbourhood Area (Regulation 14 Draft Plan) was published by Herefordshire Council in October 2018. The report sets out that the initial Screening report (26 April 2013) found that the Neighbourhood Area is in the hydrological catchment of the River Wye (including the River Lugg) SAC. The North of the parish is within the Arrow (to Lugg) river catchment area. The South (From Holme Marsh) is within the Wye catchment area.

The report concludes that the **Lyonshall NDP will not have a likely significant effect on the River Wye SAC.**

European Convention on Human Rights

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

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

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

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

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

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” The Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals. The NDP also promotes good accessibility for all, and by requiring provision of adequate on site car parking in new developments, aims to tackle and reduce high levels of car parking on or blocking pavements which currently has an adverse impact on some vulnerable groups such as the elderly, infirm and children using pushchairs.

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

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

Lyonshall Parish Council

January 2019