

Upton Bishop Neighbourhood Development Plan 2021-2031

Basic Conditions Statement

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1. INTRODUCTION

- 1.1 A draft Neighbourhood Development Plan must meet each of a set of basic conditions before it can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.2 This Statement has been prepared for Upton Bishop Parish Council to demonstrate that the Upton Bishop Neighbourhood Development Plan 2021-2031 (the NDP) meets legal requirements and the prescribed basic conditions.
- 1.3 The Statement confirms that:
- the legal requirements have been met (section 2).
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP (section 3).
 - the NDP contributes to sustainable development (section 4).
 - the NDP is in general conformity with the strategic policies contained in the relevant development plan, the Herefordshire Local Plan Core Strategy adopted in October 2015 (section 5).
 - the NDP does not breach and is otherwise compatible with EU obligations, and that the making of the NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (section 6).

2. LEGAL REQUIREMENTS

- 2.1 The NDP relates to the area that was designated by Herefordshire Council as a Neighbourhood Area on 18 March 2013. The NDP relates only to this Neighbourhood Area. No other Neighbourhood Development Plan has or is being made for the Neighbourhood Area.
- 2.2 Upton Bishop Parish Council is a qualifying body.
- 2.3 The NDP is a plan which sets out policies in relation to the development and use of land in the Neighbourhood Area and which has been prepared in accordance with the statutory provisions.
- 2.4 The NDP specifies the period for which it is to have effect (2021-2031).
- 2.5 The NDP does not include provision about development that is excluded development, such as mineral and waste matters, nationally significant infrastructure projects or other prescribed development under section 61K of the Town and Country Planning Act 1990.

3. REGARD TO NATIONAL POLICIES AND ADVICE

- 3.1 The NDP has been prepared with appropriate regard to the guidance contained in the National Planning Policy Framework (NPPF)¹ and Planning Practice Guidance (PPG).² The NDP will help achieve national planning policies at the parish level.
- 3.2 NPPF paragraph 13 sets out requirements for how communities should engage in neighbourhood planning. In accordance with this national policy, the NDP supports the delivery of strategic policies set out in the Local Plan and seeks to shape and direct development that is outside these strategic policies.
- 3.3 In accord with NPPF paragraph 16, the NDP:
- contributes to the objective of achieving sustainable development, as explained in section 4 of this Statement.
 - has been prepared positively through community engagement and the allocation of land for housing as explained in the Consultation Statement.
 - has been shaped by early, proportionate and effective engagement with the community and other consultees, as explained in the Consultation Statement.
 - contains policies that are clearly written and unambiguous.
 - is accessible via the Parish Council website.
 - serves a clear purpose in the context of the Upton Bishop Neighbourhood Area, complementing rather than duplicating existing national and Local Plan policies as explained in this section and section 5.
- 3.4 The NPPF sets out more specific guidance on neighbourhood plans, to which the Parish Council in preparing the NDP has had regard to as follows:
- NPPF paragraph 29: Upton Bishop Parish Council have used neighbourhood planning powers to develop a local vision for the Neighbourhood Area and to set planning policies in the NDP as part of the statutory development plan.
 - NPPF paragraph 29: the NDP is considered to be in general conformity with the strategic policies of the Local Plan. In Herefordshire, these are the policies in the adopted Local Plan Core Strategy.³ The NDP reflects the strategic policies and plans positively to support them. It does not promote less development than set out in the Local Plan Core Strategy, or undermine its strategic policies. The NDP

¹ July 2021, replacing the previous version published in February 2019.

² <https://www.gov.uk/government/collections/planning-practice-guidance>

³ Herefordshire Local Plan Core Strategy 2011-2031, October 2015, paragraph 1.14.

defines settlement boundaries for the settlements of Crow Hill and Upton Crews, allocates and designates land, and provides criteria-based planning policies to guide housing growth, economic development and environmental protection. The general conformity of the NDP with the strategic policies of the Local Plan Core Strategy is set out in more detail in section 5 below.

- NPPF paragraph 31: the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focussed tightly on supporting and justifying the policies concerned. In preparing the NDP, use has been made of existing published and other evidence sources, supplemented by a comprehensive residents' questionnaire survey, other public consultation, a Call for Sites, a Housing Site Assessment and a review of ecological information. This supporting material is referred to throughout the NDP as required and is summarised in Appendix A of the Plan.

3.5 PPG indicates that a policy should be clear and unambiguous to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance further advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.⁴ There is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies.⁵ In accordance with this guidance, NDP policies have been carefully drafted to be clear and unambiguous and are based on appropriate and proportionate evidence.

3.6 The regard had to national policies is set out in more detail on an NDP policy-by-policy basis in Table 1.

⁴ PPG Paragraph: 041 Reference ID: 41-041-20140306.

⁵ PPG Paragraph: 040 Reference ID: 41-040-20160211

Table 1: National policies by NDP policy

| NDP policy | Regard to national policies |
|---|--|
| <p>Policy UBP1 Settlement boundaries</p> <p>Settlement boundaries are defined for Crow Hill and Upton Crews as shown on Plan 4. Proposals for housing inside the settlement boundaries will be supported where they respect the character of the settlement concerned and are in accord with other development plan policies, including demonstrating how foul and surface water is to be managed.</p> | <p>Policy UBP1 is in accord with national policy to promote sustainable development in rural areas by locating housing where it will enhance and maintain the vitality of rural communities, and to avoid the development of isolated homes in the countryside (NPPF paras. 79 and 80). Crow Hill and Upton Crews are settlements identified in the Local Plan Core Strategy for proportionate housing development (policy RA2); outside of settlements new housing is restricted to avoid an unsustainable pattern of development (policy RA3). The defined settlement boundaries provide a basis for implementing this strategic approach by clearly defining the extent of the villages concerned.</p> |
| <p>Policy UBP2 Land south of Spring Meadow, Crow Hill</p> <p>Land south of Spring Meadow, Crow Hill is allocated for development for around 15 new dwellings. The site is shown on Plan 4. Proposals which meet the following requirements will be supported:</p> <ol style="list-style-type: none"> 1. the dwellings contribute to meeting the latest assessment of housing needs in accord with policy UBP3, with a preference for 2- and 3-bedroom properties; and 2. up to 40% of the dwellings are provided as affordable housing which is to be available in perpetuity for those in local housing need. The amount and type of affordable housing is to be informed by a local housing need assessment and by an assessment of viability; and 3. the scheme is designed in accord with policy UBP5, particularly with regard to protecting the amenity and outlook of neighbouring dwellings, respecting views across the site as far as practicable, being in keeping with village character, and retaining as much of the existing hedgerow to the road frontage as is consistent with junction design; and 4. a foul and surface water management strategy is provided in accord with policy | <p>Policy UBP2 allocates land for housing following consideration of the available and suitable opportunities. This is in accord with NPPF para. 70. The policy also seeks to be responsive to local needs as to the type and size of housing required, pursuant to NPPF paras. 62 and 78.</p> <p>The allocation will help to promote sustainable development in rural areas and is situated in a settlement identified in the Local Plan Core Strategy as a main focus for proportionate housing development. This strategic approach is intended to enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned (policy RA2). This is in line with NPPF para. 79 which requires housing to be located where it will</p> |

| NDP policy | Regard to national policies |
|---|---|
| <p>UBP5, and the development is shown to be nutrient neutral in accord with policy UB6; and</p> <ol style="list-style-type: none"> 5. open space and landscaping using native species is provided within the site and to the boundaries to existing housing and farmland; and 6. pedestrian and cycle connectivity to village facilities is maximised and a traffic calming scheme to the B4224 is provided. These provisions are to be proposed and delivered as part of the development; and 7. provision is made for land and car parking for allotments subject to viability and an assessment of demand. | <p>enhance or maintain the vitality of rural communities.</p> <p>The policy requires development to be designed to respect local character and aspirations in accord with NPPF para. 127. The policy will ensure that safe and suitable access to the site can be achieved for all users and that appropriate account is taken of opportunities to promote sustainable transport modes, in accord with NPPF para. 110.</p> |
| <p>Policy UB3 Housing mix</p> <p>Housing proposals in the Neighbourhood Area should be able to demonstrate that they are of a type and size that positively contribute to meeting the latest assessment of housing needs, particularly for smaller properties.</p> <p>Development proposals which provide housing of a suitable size, tenure and style to meet local needs will be supported. In particular, 2- and 3-bedroom properties will be encouraged, as well as schemes to meet the needs of first-time buyers, young families and older people. Proposals to provide live/work units and to enable self-build housing will also be supported.</p> | <p>Policy UB3 seeks to ensure that housing needs and requirements in the Neighbourhood Area will be met in accord with NPPF paras. 60 and 78. The policy is responsive to local circumstances and supports housing developments that reflect local needs as to size, type and tenure in accord with NPPF para. 62.</p> |
| <p>Policy UB4 Community facilities</p> <p>Existing community facilities will be retained in accord with Herefordshire Local Plan Core Strategy policies SC1 and OS3. They are listed below and shown on Plan 5:</p> <ul style="list-style-type: none"> • Millennium Hall • Church of St John the Baptist • The Moody Cow • Upton Bishop Allotments. <p>Development proposals for the enhancement of existing community facilities and for new provision will be supported provided that:</p> <ol style="list-style-type: none"> 1. the siting, scale and design respects residential amenity and the character of the surrounding area; and | <p>Policy UB4 supports the retention and development of accessible local services and community facilities, as part of supporting a prosperous rural economy in line with NPPF para. 84 d).</p> <p>It takes account of NPPF para. 93 which requires planning policies to plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments. It also has regard to NPPF para. 98 in respect of recreational land and buildings.</p> |

| NDP policy | Regard to national policies |
|--|---|
| <ol style="list-style-type: none"> 2. the local road network can safely accommodate the additional traffic; and 3. sufficient provision is made for off-street vehicle and cycle parking. | |
| <p>Policy UBP5 Development requirements</p> <p>Development proposals should:</p> <ol style="list-style-type: none"> 1. be in character with adjoining development with respect to siting, height, scale, detailing, density, building to building distances, private amenity space, means of enclosure and the use of materials; and 2. retain natural site features of amenity and biodiversity value as far as possible, and provide new tree planting and other landscaping which is in keeping with landscape character and provides for wildlife; and 3. incorporate sustainability measures including building orientation and design, energy and water conservation, renewable energy generation, and provision for the recycling of waste, cycle storage, broadband, and electric vehicle charging. All new housing should achieve the highest standards of energy conservation, being ideally carbon neutral whilst as a minimum complying with Building Regulations; and 4. avoid creating unacceptable impacts on the amenity of neighbouring dwellings including from noise, volume and nature of traffic generated, dust or odour. External property and street lighting should avoid undue adverse impacts on amenity, wildlife and dark skies; and 5. be safely accessible from the highway network without undue impacts on the character of the locality and biodiversity which cannot be mitigated, not result in additional on-road parking, and take every available opportunity to promote walking and cycling; and 6. provide acceptable arrangements for the treatment of waste water and for surface water disposal through the use of sustainable drainage systems. These arrangements are to be demonstrated in a foul and surface water management strategy which must be submitted with the planning application concerned. | <p>Policy UBP5 seeks to achieve a high quality of design reflecting NPPF chapter 12 particularly para. 130. In doing so it provides guidance on a range of matters including local character and landscape setting, architecture and layout, and landscaping. It also supports designs promoting a high level of sustainability (NPPF para. 134) and the reduction of greenhouse gas emissions (NPPF para. 151).</p> <p>The policy also aims to promote sustainable transport (NPPF chapter 9) and to prevent new and existing development from contributing to or being affected by unacceptable levels of pollution (NPPF para. 174 e).</p> |
| <p>Policy UBP6 Landscape, biodiversity and geodiversity</p> <p>Development proposals should conserve and where possible enhance the landscape, biodiversity and geodiversity of the Neighbourhood Area by:</p> | <p>Policy UBP6 has regard to national policy in NPPF chapter 15 which deals with conserving and enhancing the natural environment. It is in line with NPPF para. 174 which requires planning policies to contribute to</p> |

| NDP policy | Regard to national policies |
|---|---|
| <ol style="list-style-type: none"> 1. demonstrating that they have respected the prevailing landscape character, as defined in the County Landscape Character Assessment; and 2. avoiding adverse effects on the River Wye Special Area of Conservation (SAC) and species of European importance. Development draining to the Wye catchment must be shown not to have an adverse effect on the SAC. In particular, planning permission will only be granted if clear and convincing evidence is provided which shows that the proposed development would not increase nutrient inputs to the SAC. This could include the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council’s Phosphate Calculator and associated guidance; and 3. avoiding adverse effects on the River Wye and Dymock Woods Sites of Special Scientific Interest unless the public benefits of the proposed development clearly outweigh the likely impacts on the conservation status of the Site concerned and on the national network of protected Sites; and 4. protecting other habitats, species and sites of biodiversity and geodiversity interest in accord with their status and quality and with a view to securing net gains for biodiversity. This includes the Local Wildlife Sites and Local Geological Site listed below, Habitats of Principal Importance including hedgerows, ponds and watercourses, and good quality semi-improved grassland; and 5. maintaining, restoring and where possible enhancing the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network. <p>The following Local Wildlife Sites (LWS) and Local Geological Site (LGS) are wholly or partly within the Neighbourhood Area (Plan 6):</p> <ul style="list-style-type: none"> • Coldborough Park LWS • Yeld Wood LWS • Field south of Moor House LWS • Queenswood Dymock LWS • Lynders Wood LWS • The Fording Lake LWS • Fields near Gayton LWS • M50 section 1 LGS | <p>and enhance the natural and local environment by protecting valued landscapes and sites of biodiversity or geological value in a manner commensurate with their statutory status or identified quality, to recognise the intrinsic character and beauty of the countryside, and to minimise impacts on and providing net gains for biodiversity. The policy distinguishes between international, national and locally designated sites, and seeks to maintain and enhance networks of habitats and green infrastructure (NPPF paras. 175 and 179).</p> |

| NDP policy | Regard to national policies |
|---|---|
| <p>Policy UBP7 Key views</p> <p>To be supported, development proposals must demonstrate that they have been sited, designed and are of such a scale that they do not materially harm the following key views, as shown on Plan 7 and the accompanying photographs:</p> <p>KV1: the view from Perrystone Hill looking south-east towards May Hill KV2: the view from Mulhampton Lane looking west towards the Black Mountains KV3: the view from Mulhampton Lane looking east towards St. John’s Church KV4: the view from the B4221 looking north-east towards the Malvern Hills KV5: the view from the B4221 looking west towards the Black Mountains KV6: the view from Manor House Lane looking west across Crow Hill KV7: the view from public footpath UB3 looking south towards May Hill.</p> <p>Where a development proposal within the Neighbourhood Area lies within sight of one of the above key views, a Landscape and Visual Impact Assessment or similar study should be provided to demonstrate that the levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing its landscape context.</p> | <p>Policy UBP7 identifies key views in the Neighbourhood Area. In doing so it contributes to an appreciation of the intrinsic character and beauty of the countryside (NPPF para. 174 b)) and helps to ensure that development will be sympathetic to local character and history, including its landscape setting (NPPF para. 130 c)).</p> |
| <p>Policy UBP8 Crow Hill/Upton Crews gap</p> <p>Development proposals should maintain the physical and visual separation between the settlements of Crow Hill and Upton Crews.</p> | <p>Policy UBP8 recognises the importance of open land between Crow Hill and Upton Crews in contributing to the identity of these settlements, their distinctive character and sense of place, and landscape setting, in accord with NPPF para. 130 c)).</p> |
| <p>Policy UBP9 Rural businesses</p> <p>Development proposals for the creation or expansion of small-scale business enterprises will be supported provided that:</p> <ol style="list-style-type: none"> 1. they are of a scale, type and nature appropriate to their location, and avoid isolated new development in isolated settings; and 2. the impacts on highway safety and capacity are or can be made acceptable, with adequate off-road parking and cycle parking for staff, delivery vehicles and visitors; and | <p>Policy UBP9 supports the sustainable growth and expansion of businesses in the Neighbourhood Area as set out in NPPF para. 84. It recognises that opportunities to meet business needs may arise outside existing settlements (NPPF para. 85).</p> |

| NDP policy | Regard to national policies |
|---|---|
| <p>3. there are no undue impacts on residential amenity or on the natural and built environments arising from external lighting, the design and siting of any building or installation, traffic generation, or odour, noise and air pollution; and</p> <p>4. in the case of proposals in the countryside, full use is made of the available opportunities to improve access on foot, by cycling or by public transport.</p> <p>Wherever possible, use should be made of sites which are within or physically well-related to the settlements of Crow Hill or Upton Crews, and of existing buildings and previously-developed land in preference to new development on greenfield sites.</p> | |
| <p>Policy UBP10 Agricultural and forestry development</p> <p>Proposals for agricultural and forestry development requiring planning permission should be able to demonstrate that they meet the following requirements. Account will also be taken of ancillary works and buildings, and of any other existing, permitted or proposed similar developments in the locality so that cumulative impacts can be considered:</p> <ol style="list-style-type: none"> 1. the local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable; and 2. the impacts on landscape character and visual amenity are acceptable, or are capable of being satisfactorily mitigated by a landscaping scheme which is itself acceptable; and 3. there will be no undue loss of amenity to the occupiers of residential properties, including by way of external lighting, the design and siting of any building or installation, traffic, or odour, noise and air pollution; and 4. there are no unacceptable impacts on biodiversity, heritage assets or the utility and enjoyment of public rights of way; and 5. surface water is acceptably and appropriately managed through sustainable drainage, with no adverse impact on local watercourses in respect of water quality, flood risk, pollution or soil erosion. | <p>Policy UBP10 seeks to ensure that agricultural and forestry developments requiring planning permission are appropriate in terms of their impacts on and implications for traffic and transport, landscape, amenity, and the natural and historic environments in accord with NPPF chapters 9, 14, 15 and 16.</p> |

4. ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

4.1 The making of the Upton Bishop NDP will contribute to the achievement of sustainable development.

4.2 The NPPF explains that achieving sustainable development means that the planning system has three overarching objectives:

- **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;
- **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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.3 The NPPF emphasises that these objectives are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the objectives. The objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

4.4 Section 3 of this Statement explains how the NDP has had regard to national policy and advice, and thus how it will contribute to the achievement of sustainable development.

4.5 The NDP is also considered to be in general conformity with the strategic policies of the Herefordshire Local Plan Core Strategy (see section 5). This sets out a spatial strategy to achieve the sustainable development of the County of Herefordshire based on the three themes of social progress, economic prosperity, and environmental quality. These themes echo the three roles as defined in the NPPF. The NDP will deliver sustainable development by virtue of setting out a balanced set of policies which address each of the strategic themes.

4.6 Table 2 sets out how the NDP will help achieve sustainable development, by contributing to each of the three national objectives through its Vision, objectives, planning policies and Community Actions.

Table 2: Sustainable development

| Objective | How the Upton Bishop NDP contributes |
|-----------|--|
| Economic | <p>The Vision includes that by 2031 Upton Bishop parish will have local services and infrastructure improved for the safety and benefit of all.</p> <p>Relevant objectives are to retain and support the new provision of community services and facilities, to support small-scale/home-based business and farming, and to encourage improved infrastructure.</p> <p>Plan policies directly address the economic objective by:</p> <ul style="list-style-type: none"> • Supporting the retention of community facilities and supporting their expansion and new provision (policy UBP4). • Supporting the creation or expansion of small-scale business enterprises (policy UBP9). • Providing planning policy criteria for new development (policy UBP5) including the housing site allocation (policy UBP2) and agricultural and forestry development (policy UBP9) so that those bringing proposals forward can do so with confidence. <p>Other NDP policies support the economic objective indirectly. Policies addressing the social objective help to maintain and promote a thriving rural community and thus demand for goods and services. Policies addressing the environmental objective serve to protect, conserve and enhance the built and natural environments, providing a stable basis for economic activity.</p> <p>As well as its planning policies, the NDP sets out Community Actions which the Parish Council will undertake or otherwise support which contribute to the economic objective, including working with Herefordshire Council and others on aspects of local highways and transport provision, and by promoting and supporting improvements to communications and broadband infrastructure.</p> |
| Social | <p>The Vision includes that by 2031 Upton Bishop parish will be a place where a strong, engaged community can live, work and play; with separate settlements where new development is limited and managed to retain the rural character, outlook and independence of the community for the long term.</p> <p>Relevant objectives are to retain and support the new provision of community services and facilities; to support development of a variety of individual homes, sensitively located, that allow for growth and movement within the community, and that are in keeping with the scale of the current housing stock, the demand from all sections of the community and the need to maintain and respect</p> |

| Objective | How the Upton Bishop NDP contributes |
|---------------|--|
| | <p>the special character and appearance of the parish; and to encourage improved infrastructure.</p> <p>Plan policies directly address the social objective by:</p> <ul style="list-style-type: none"> • Allocating land to meet housing requirements (policy UBP2). • Requiring new dwellings to be of a type and size that contributes to meeting housing needs (policy UBP3). • Protecting community services thereby supporting the health, social and cultural well-being of the community (policy UBP4). • Requiring proposals to be in character with adjoining development, and to avoid undue impacts on the amenity of neighbouring dwellings (policy UBP5). • Maintaining local distinctiveness and fostering community identity by protecting landscape, biodiversity and geodiversity (policy UBP6), key views (policy UBP7) and the separation between the settlements of Crow Hill and Upton Crews (policy UBP8). <p>Other NDP policies support the social objective indirectly. Policies addressing the economic objective support proposals for small-scale rural businesses and the re-use of existing buildings for commercial purposes, enabling local employment opportunities. Policies addressing the environmental objective serve to protect the Neighbourhood Area's built and natural environments which contributes to the sense of place, character and community identity.</p> <p>As well as its planning policies, the NDP sets out Community Actions which the Parish Council will undertake or otherwise support which contribute to the social objective, including working with Herefordshire Council and others on aspects of road safety, public transport and rights of way; promoting and supporting improvements to communications and broadband infrastructure, and maintaining and improving community information and communication.</p> |
| Environmental | <p>The Vision includes that by 2031 Upton Bishop will be a place where changes contribute to a healthy environment and an increasingly sustainable way of life, and to mitigating and adapting to climate change.</p> <p>Relevant objectives are to protect and enhance the natural and built environment including buildings of historic or architectural interest; open spaces, landscapes, and views including open access via the public footpath network; a diverse and healthy natural environment, its habitats and species; and to encourage sustainable design measures in new development and the re-use of existing resources.</p> <p>Plan policies directly address the environmental objective by:</p> <ul style="list-style-type: none"> • Defining settlement boundaries for Crow Hill and Upton Crews (policy UBP1) and protecting their physical and visual separation (policy UBP8), thereby promoting a sustainable pattern of development. |

| Objective | How the Upton Bishop NDP contributes |
|-----------|---|
| | <ul style="list-style-type: none"> • Providing planning policy criteria for new development (policies UBP2, UBP5 and UBP10) including criteria on local character, natural features, building sustainability requirements, amenity and waste and surface water treatment and disposal, so as to deliver sustainable development. • Protecting landscape, biodiversity and geodiversity (policy UBP6) and key views (policy UBP7). • Seeking the re-use of existing buildings and previously-developed land for rural business development in preference to the use of greenfield sites (policy UBP9). <p>Other NDP policies support the environmental objective indirectly. Policies addressing the social objective help to promote the health, social and cultural well-being of the community by making use of the local environment in varying ways. Policies addressing the economic objective support the continued delivery of goods and services locally, reducing the need to travel.</p> <p>As well as its planning policies, the NDP sets out Community Actions which the Parish Council will undertake or otherwise support which contribute to the environmental objective, including actions to foster public transport improvements and to promote walking and cycling as alternatives to use of the private car.</p> |

5. GENERAL CONFORMITY WITH STRATEGIC POLICY

- 5.1 The Upton Bishop NDP is in general conformity with the strategic policies contained in the development plan for the area, namely the Herefordshire Local Plan Core Strategy. Herefordshire Council’s consultation response to the draft Plan confirms that all draft NDP policies were considered to be in general conformity with their Core Strategy equivalents. Table 3 sets out how each of the NDP’s policies align with the strategic policies. The Core Strategy can be seen at https://www.herefordshire.gov.uk/info/200185/local_plan/137/local_plan_-_core_strategy/2.
- 5.2 Remaining saved policies of the Herefordshire Unitary Development Plan are not relevant to the NDP.

Table 3: General conformity of NDP policies with strategic policies.

| NDP policy | Local Plan strategic policies |
|--|---|
| Policy UBP1 Settlement boundaries | Policy UBP1 is in general conformity with strategic policies RA2 <i>Housing in settlements outside Hereford and the market towns</i> and RA3 <i>Herefordshire’s countryside</i> . It adds local detail by defining settlement boundaries for Crow Hill and Upton Crews and setting out criteria for development in these settlements. |
| Policy UBP2 Land south of Spring Meadow, Crow Hill | Policy UBP2 is in general conformity with strategic policies MT1 <i>Traffic management, highway safety and promoting active travel</i> , H1 <i>Affordable housing</i> , H3 <i>Ensuring an appropriate range and mix of housing</i> , SD3 <i>Sustainable water management and water resources</i> and SD4 <i>Wastewater treatment and river water quality</i> . It adds local detail by allocating a site for new housing and setting out the planning requirements for its development. |
| Policy UBP3 Housing mix | Policy UBP3 is in general conformity with strategic policy H3 <i>Ensuring an appropriate range and mix of housing</i> . It adds local detail by setting out the type and size of housing that will be required to meet local needs. |
| Policy UBP4 Community facilities | Policy UBP4 is in general conformity with and adds local detail to strategic policies SC1 <i>Social and community facilities</i> and OS3 <i>Loss of open space, sports or recreation facilities</i> . |
| Policy UBP5 Development requirements | Policy UBP5 is in general conformity with strategic policies LD1 <i>Landscape and townscape</i> , SD1 <i>Sustainable design and energy efficiency</i> , and SD3 <i>Sustainable water management and water resources</i> . It adds local detail by reflecting issues of concern as expressed in replies to the NDP questionnaire survey. |

| NDP policy | Local Plan strategic policies |
|--|---|
| Policy UBP6 Landscape, biodiversity and geodiversity | Policy UBP6 is in general conformity with strategic policies SS6 <i>Environmental quality and local distinctiveness</i> , LD1 <i>Landscape and townscape</i> , LD2 <i>Biodiversity and geodiversity</i> , LD3 <i>Green infrastructure</i> , and SD4 <i>Wastewater treatment and river water quality</i> . It adds local detail by identifying natural environment assets in the Neighbourhood Area. |
| Policy UBP7 Key views | No relevant strategic policies identified. |
| Policy UBP8 Crow Hill/Upton Crews gap | No relevant strategic policies identified. |
| Policy UBP9 Rural businesses | Policy UBP9 is in general conformity with strategic policies RA5 <i>Re-use of rural buildings</i> , RA6 <i>Rural economy</i> , E2 <i>Redevelopment of employment land</i> , E3 <i>Homeworking</i> , and E4 <i>Tourism</i> . It adds local detail in respect of the type and scale of employment development that is sought. |
| Policy UBP10 Agricultural and forestry development | Policy UBP10 is in general conformity with strategic policies MT1 <i>Traffic management, highway safety and promoting active travel</i> , RA6 <i>Rural economy</i> , LD1 <i>Landscape and townscape</i> , LD2 <i>Biodiversity and geodiversity</i> , and SD3 <i>Sustainable water management and water resources</i> . It adds local detail by providing a specific policy for agricultural and forestry development, addressing issues of concern in the Neighbourhood Area as expressed in replies to the NDP questionnaire survey. |

6. EU OBLIGATIONS

6.1 The Upton Bishop NDP is compatible with European Union obligations as detailed in Table 4 and as transposed into UK law.

Table 4: EU obligations

| EU Obligation | Compatibility of the Upton Bishop NDP |
|--|--|
| Strategic Environmental Assessment Directive | <p>Strategic environmental assessment of the NDP has been undertaken by Herefordshire Council. An initial screening opinion in June 2013 concluded that the NDP would require further assessment for the purposes of Strategic Environmental Assessment. A Scoping Report was prepared in November 2014 and published for consultation. Subsequently, a SEA of the draft Plan was undertaken in August 2021 and the resultant Environmental Report was published for consultation alongside the draft Plan.</p> <p>The Environmental Report concludes in its non-technical summary that the NDP is in general conformity with both national planning policy contained in the NPPF and strategic policies set within the Herefordshire Local Plan (Core Strategy). SEA paragraph 6.8 reports that the cumulative effect of the NDP will contribute to the achievement of the SEA objectives. Paragraph 6.9 sets out that none of the NDP policies were considered to be in direct conflict with or propose greater levels of growth and development than strategic policies contained in the Local Plan (Core Strategy), which themselves have undergone a full Sustainability Appraisal.</p> <p>Amendments to the draft Plan following regulation 14 consultation were assessed in a further Environmental Report (January 2022). These were principally the addition of criteria to four policies to address water quality and foul and surface water management. The assessment concludes that overall the amended policies have added extra safeguard measures which have re-affirmed the positive impact they previously had on the SEA objectives.</p> <p>The NDP has been prepared in conjunction with a formal process of environmental appraisal in accordance with the SEA Directive, whose requirements have been met.</p> |
| Habitats Directive | <p>A process of assessment of the NDP pursuant to the Habitats Directive has been undertaken by Herefordshire Council. Initial screening in June 2013 found that the Neighbourhood Area was within the hydrological catchment of the River Wye (including River Lugg) Special Area of Conservation (SAC) and within 10km of the Wye Valley and Forest of Dean Bat Sites SAC. The initial screening concluded that these SACs would need to be taken into account in the NDP and that a full Habitats Regulation Assessment would be required.</p> <p>An Appropriate Assessment of the draft NDP was undertaken by Herefordshire Council and published in August 2021. This</p> |

| EU Obligation | Compatibility of the Upton Bishop NDP |
|-------------------------------------|---|
| | <p>concluded that there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC and the Wye Valley and Forest of Dean Bat Sites SAC when the mitigation and avoidance measures have been taken into account.</p> <p>Amendments to the draft Plan following regulation 14 consultation were assessed in a further Report in January 2022. The Appropriate Assessment confirms that the objectives and policies of the NDP will not have an adverse effect on the integrity of the River Wye (including River Lugg) SAC and the Wye Valley and Forest of Dean Bat Sites SAC when the mitigation and avoidance measures have been taken into account.</p> <p>The NDP has been prepared in conjunction with an Appropriate Assessment in accordance with the Habitats Directive, whose requirements have been met.</p> |
| Water Framework Directive | <p>The Local Plan Core Strategy (policies SD3 and SD4) requires that development proposals are considered against Water Framework Directive objectives, including that development should not undermine the achievement of water quality targets. These strategic policies are referenced in Table 3 above as policies with which relevant NDP policies are in general conformity with. NDP policies UBP1, UBP2 and UBP5 require acceptable arrangements for the treatment of waste water and for surface water disposal to be demonstrated, and policy UBP6 requires that proposals draining to the River Wye are nutrient neutral in terms of their effect on the River Wye Special Area of Conservation. The Water Framework Directive has also been taken into account within the objectives used for the SEA of the NDP and as a source of baseline information and targets.</p> <p>The NDP is considered to be compatible with the Water Framework Directive.</p> |
| European Convention on Human Rights | <p>The NDP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and County-level strategic planning policies. In accordance with established process, its preparation has included consultation with the local community and it is subject to independent examination. The policies within the Plan are considered to comply with the requirements of EU obligations in relation to Human Rights.</p> |