

# **Brilley Submission Neighbourhood Development Plan**

## **Paragraph 8 of Schedule 4b**

### **'Basic Conditions' Statement**



## **1.0 Legal Requirements**

### **The Submission Plan is being submitted by a qualifying body**

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

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

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

### **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 the Plan being made (2016) up to 2031 (the same period as the Herefordshire Core Strategy Local Plan).

### **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.

### **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 Brilley Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

## 2.0 Basic Conditions

### Have Appropriate Regard to National Policy

The Brilley Neighbourhood Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Plan has been drafted with regard to the planning policies of Herefordshire Council, and the comprehensive evidence base that supports these policies.

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

The Plan has regard to the twelve core planning principles set out within paragraph 17 of the Framework, as set out in Table 1 below:

**Table 1 NPPF Core Planning Principles and the Brilley Submission Neighbourhood Development Plan**

| <b>NPPF Core Planning Principle</b>  | <b>Regard that Brilley Neighbourhood Plan has to guidance</b>   |
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| Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications | The Parish Council has produced the Submission Neighbourhood Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Neighbourhood Plan will empower local people to shape their surroundings. The vision, objectives, policies and proposals in the Neighbourhood Plan have been developed with a thorough approach to community engagement. The Neighbourhood Plan sets out a positive vision |

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| <p>can be made with a high degree of predictability and efficiency.</p>  | <p>for the area up to 2031 The Neighbourhood Plan sets out a concise and practical suite of policies (14 in total) to guide development control decisions.</p>   |
| <p>Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p>  | <p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Brilley Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which protect local community facilities and green spaces, support new housing to meet local needs, promote high quality design in new development, and protect local landscape character including dark skies.</p>            |
| <p>Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.</p> | <p>The Brilley Submission Neighbourhood Plan refines and amplifies Herefordshire-wide policies and proposals set out in the Herefordshire Local Plan Core Strategy (2011-2031) policies. The Submission Neighbourhood Plan supports appropriate housing growth through policies BR3 and BR4, and business and economic growth through policies BR12, BR13 and BR14. In addition, policy BR8 encourages the development of communications infrastructure.</p> |
| <p>Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>   | <p>The Submission Neighbourhood Plan sets out policies which encourage high quality design in new development (BR5), protect and enhance local landscape character (BR6) and identify local green space (BR2) which will help to ensure that amenity is protected.</p>   |

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| <p>Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</p>                      | <p>The Submission Neighbourhood Plan takes regard of this guidance fully in plan- making and decision- taking. The Plan recognises the rural character of this sparsely populated Parish, and the need to protect the rural landscape character (BR6). The important role of local community facilities in the Parish in relation to health and wellbeing is recognised in Policy BR1.</p>  |
| <p>Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).</p> | <p>The Submission Neighbourhood Plan supports the re-use of previously developed land / retention of buildings in policy BR5. The use of Sustainable Drainage Systems is promoted also in policy BR5. Policy BR10 promotes transport improvements and BR11 supports improvements to public rights of way and connectivity. Taken together these Policies should assist with reducing carbon emissions associated with high levels of dependency on the private car associated with rural areas.</p> |
| <p>Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>   | <p>The Submission Neighbourhood Plan is fully consistent with this principle. The Plan provides a policy framework for the protection and enhancement of this highly sensitive rural landscape in policy BR6 Landscape Character. This policy encourages the preservation and enhancement of local habitats such as ancient semi natural woodland and hedgerows, and the protection and conservation of high open moorland areas.</p>   |
| <p>Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.</p>  | <p>The Submission Neighbourhood Plan supports the re-use of previously developed land / retention of buildings in Policy BR5.</p>   |
| <p>Planning should promote mixed-use developments, and encourage multiple benefits from the use of land in urban</p>   | <p>Overall the Submission Neighbourhood Plan supports an approach which should provide a sustainable future for this rural community,</p>   |

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| and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).   | providing policies which protect existing community facilities in the parish, support a mix of new housing and small scale rural enterprise appropriate to the local character, and which protect the open countryside and valued green spaces. |
| Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations                  | Policy BR6 supports the protection, enhancement and improvement of historic features in the landscape.  |
| Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable | The Submission Neighbourhood Plan seeks to promote the use of sustainable forms of transport through policies supporting transport improvements in Policy BR10, and supporting enhancement of public rights of way / connectivity in BR11.      |
| Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs                 | The Submission Neighbourhood Plan is fully in accord with this principle. Policies in the plan safeguard and seek to improve open countryside and rural landscape setting (BR6) and promote walking and cycling (BR11).                         |

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

The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish through Policy BR6.

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

The Plan area has no Conservation Areas.

**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).**

The Neighbourhood Plan has been subject to a separate Screening Process for Strategic Environmental Assessment prepared by Herefordshire Council that accompanies the Submission Plan and this Basic Condition Statement. Plans that may have a significant effect on European Sites have to undertake a Habitat Regulations Assessment (HRA).

An Environmental Report and a Habitats Regulations Assessment accompanies this submission version.

### **Contribute to the Achievement of Sustainable Development**

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

Paragraphs 6-10 of the National Planning Policy Framework outline the Government's definition of sustainable development.

The UK Government's interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

In Paragraph 6, the NPPF states that “the policies in paragraphs 18-219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”.

Table 1 above gives a clear and comprehensive narrative of how the planning framework complies with the Core Planning Principles of the NPPF, and by corollary, the achievement of sustainable development.

Table 2 below summarises how the policies and allocations in the Submission Plan contribute to the economic, social and environmental aspects of sustainable development.

**Table 2 Submission Plan’s contribution to the economic, social and environmental aspects of sustainable development.**

| <b>Sustainable Development Role</b> | <b>Neighbourhood Development Plan’s Contribution</b>   |
|-------------------------------------|--|
| Economic                            | The Submission Neighbourhood Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the parish, for example through supporting and enhancing existing local employment in BR12, encouraging new local employment opportunities in BR13 and supporting appropriate tourism development in BR14.  |
| Social                              | The plan protects local community facilities in BR1 and BR2, and recognises the role of the landscape and countryside in supporting health and wellbeing of parish residents in policies (BR11). The Plan also supports new market and local needs housing and a mix of tenures, types and sizes of houses in policies BR3 and BR4.  |
| Environmental                       | <p>The Submission Neighbourhood Plan sets out policies that protect local wildlife and biodiversity and rural landscapes.</p> <p>The Plan seeks to promote more sustainable transport patterns through encouraging public transport improvements, walking and cycling and improved traffic management in BR9, BR10 and BR11.</p> <p>Policies seek to promote the local distinctiveness of the area (BR5), and have regard to landscape character. BR6 recognises the significance of locally important natural and built heritage assets to local residents as an important aspect of the Parish’s identity.</p> |

## **Be 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)

Planning Practice Guidance 2014 para 009 advises that “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.*”

*A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.”*

Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from the adopted Herefordshire Local Plan Core Strategy (2011-2031).

**Table 3 Conformity with Local Strategic Policy**

| <b><i>Brilley Neighbourhood Development Plan</i></b>  | <b><i>Herefordshire Local Plan Core Strategy 2011 – 2031</i></b>  |
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| <p><b>Policy Brilley BR1 - Protection of Local Community Facilities</b></p> <p><b>Existing Community Facilities are identified below and on the map below and in Appendix 3. There will be a presumption in favour of the re-use of local community facilities for other health and community type uses.</b></p> <p><b>The Community Facilities are:</b></p> <p><b>(1) Village Hall and Green, encompassing the school site and</b></p> <p><b>(2) St Mary’s Church and churchyard</b></p> <p><b>The change of use of existing facilities to other uses will not be permitted unless the following can be demonstrated:</b></p> <p><b>a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should have adequate car parking; or</b></p> | <p><b>Policy SS1 – Presumption in favour of sustainable development</b></p> <p>When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.</p> <p>Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:</p> <p>a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or</p> <p>b) specific elements of national policy indicate that development should be restricted.</p> <p><b>Policy SC1 – Social and Community Facilities</b></p> |

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| <p><b>b) Satisfactory evidence is produced that there is no longer a need for the facility.</b></p> <p><b>Brilley Parish Council will permit proposals for new, and improvements to, existing community facilities provided that:</b></p> <p><b>c) The site is readily accessible;</b></p> <p><b>d) There are opportunities to integrate services;</b></p> <p><b>e) Detrimental impacts on road safety or traffic flow can be satisfactorily mitigated in the interests of both road users and users of the proposed development; and</b></p> <p><b>f) The proposal would not have an adverse effect on neighbouring residential amenity.</b></p> <p><b>The school site (now part of the Village Hall and Green Community Facility) will have an educational component e.g. Recreational sports and play facilities.</b></p> | <p>Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.</p> <p>New development that creates a need for additional social and community facilities that cannot be met through existing social facilities - will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF.</p> <p>Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing).</p> <p>Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.</p> <p>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><b>Policy OS1 -Requirement for open space, sports and recreation facilities</b></p> <p>The provision of appropriate open space, sports and recreation facilities will arise in the following proposals for planning applications:</p> |
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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.

**Policy OS2 – Meeting open space, sports and recreation needs**

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:

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 onsite unless an off-site or partial off-site contribution would result in an equally beneficial enhancement to an existing open space, sports and/or recreation facility which is of benefit to the local community.

**Policy OS3 – Loss of open space, sports or recreation facilities**

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:

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;

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|  | <p>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;</p> <p>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.</p>  |
| <p><b>Policy BR2 – Protection of Local Green Spaces</b></p> <p><b>The following local green spaces listed below and shown on the map below and in Appendix 3 are protected from development in accordance with Paragraphs 76 and 77 of the NPPF:</b></p> <p><b>(3) Brilley Green Dingle;</b></p> <p><b>(4) Brilley Green Chapel (Lower Chapel) graveyard.</b></p> <p><b>New development which impacts adversely on the openness of these sites will not be permitted except in very special circumstances.</b></p> | <p><b>Policy SS1 – Presumption in favour of sustainable development</b></p> <p><b>Policy SS6 Environmental quality and local distinctiveness</b></p> <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:</p> <ul style="list-style-type: none"> <li>• landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;</li> <li>• biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;</li> <li>• historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;</li> </ul> |

- 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.

**Policy LD1 – Landscape and townscape**

Development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- 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.

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|   | <p><b>Policy LD3 Green infrastructure</b></p> <p>Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:</p> <ol style="list-style-type: none"> <li>1. identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;</li> <li>2. provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network and</li> <li>3. integration with, and connection to, the surrounding green infrastructure network.</li> </ol>  |
| <p><b>Policy BR3 – Scale and Type of New Housing Development in the Parish of Brilley</b></p> <p><b>Proposals for new housing development within the Settlement Boundary of Brilley or on an allocated site as defined on the Brilley Village proposals map will be permitted where:</b></p> <ol style="list-style-type: none"> <li>a) <b>It is proportionate to the size and function of the immediate surrounding area;</b></li> <li>b) <b>Is generally one or two-storey construction;</b></li> <li>c) <b>It is of high quality design and is in keeping with the immediate</b></li> </ol> | <p><b>Policy SS1 – Presumption in favour of sustainable development</b></p> <p><b>Policy RA1 – Rural housing distribution</b></p> <p>In Herefordshire’s rural areas a minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county’s housing needs. The development of rural housing will contribute towards the wider regeneration of the rural economy.</p> <p>New dwellings will be broadly distributed across the county’s rural areas on the basis of seven Housing Markets Areas (HMA) and as illustrated in Figure 4.13 This acknowledges that different areas of Herefordshire have different housing needs and requirements.</p> <p>The 5,300 dwellings will be delivered throughout the rural HMAs as set out in the table below. The indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of neighbourhood development plans in the county. Local evidence and environmental factors will determine the appropriate scale of development.</p> |

| <p>surroundings, environment and rural landscape;</p> <p>d) It has an appropriate density in context with the immediate surrounding area; and</p> <p>e) It can achieve appropriate and safe access to the highway network.</p> <p><b>Due to the low density of the existing built form, development on Site 1 and Site 2 should be consistent and compatible with the existing and prevailing density and reflect the locally distinctive character of the locality in which the new development is proposed so that the rural feel is retained.</b></p> <p><b>Housing development outside the Settlement Boundary will only be permitted in accordance with the relevant Herefordshire Core Strategy policies (presently Policy RA3).</b></p> | <table border="1"> <thead> <tr> <th data-bbox="898 197 1025 264">Rural HMA</th> <th data-bbox="1034 197 1384 264">Approximate number of dwellings 2011 -2031</th> <th data-bbox="1393 197 1742 304">Indicative housing growth target for the villages (%)*</th> </tr> </thead> <tbody> <tr> <td data-bbox="898 311 1025 339">Kington</td> <td data-bbox="1189 311 1249 339">317</td> <td data-bbox="1563 311 1630 339">12%</td> </tr> </tbody> </table> <p><b>Policy RA2 – Housing in settlements outside Hereford and the market towns</b></p> <p>To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.</p> <p>The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.</p> <p>Housing proposals will be permitted where the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;</li> <li>2. Their locations make best and full use of suitable brownfield sites wherever possible;</li> </ol> | Rural HMA  | Approximate number of dwellings 2011 -2031 | Indicative housing growth target for the villages (%)* | Kington | 317 | 12% |
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| Rural HMA  | Approximate number of dwellings 2011 -2031   | Indicative housing growth target for the villages (%)* |  |  |         |     |     |
| Kington  | 317  | 12%  |  |  |         |     |     |

3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and

4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.

Brilley is identified in Fig 4.14 as a settlement which will be the main focus of proportionate housing development.

### **Policy H3 Ensuring an appropriate range and mix of housing**

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:

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:
  - providing specialist accommodation for older people in suitable locations;

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|  | <ul style="list-style-type: none"> <li>- ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;</li> <li>- ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.</li> </ul> <p>The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.</p> |
| <p><b>Policy BR4 – Ensuring an appropriate range of tenures, types and sizes of houses.</b></p> <p><b>All proposals for new housing development will have to demonstrate how they contribute to maintaining a mix of tenures, types and size of dwelling in the Parish as highlighted in the recent Neighbourhood Development Plan questionnaire and the previous Parish Housing Needs survey.</b></p> <p><b>Proposals for affordable housing may be considered acceptable provided they will maintain or enhance the vitality of the local community by clearly addressing a genuine local need for affordable housing.</b></p> <p><b>Sites including affordable housing should integrate both affordable housing and market housing across a site.</b></p> | <p><b>Policy H3 Ensuring an appropriate range and mix of housing</b></p>   |

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| <p><b>Development that leads to concentrations of different types and tenures of homes in separate groups on a site will not be permitted.</b></p>   |  |
| <p><b>Policy BR5 – General Design Principles</b></p> <p><b>All new development proposals will be required to demonstrate how they have taken account of the following criteria:</b></p> <ul style="list-style-type: none"> <li><b>a) Makes efficient use of land and buildings (i.e. gives priority to brownfield sites/retention of buildings);</b></li> <li><b>b) Exploits existing services and facilities, including using local tradespeople wherever possible;</b></li> <li><b>c) Does not have a detrimental effect on residential amenity by reason of noise or other nuisance;</b></li> <li><b>d) Does not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure;</b></li> <li><b>e) Provides appropriate and safe access to the development site;</b></li> </ul> | <p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p><b>Policy SS6 Environmental quality and local distinctiveness</b></p> <p><b>Policy LD1 Landscape and townscape</b></p> <p><b>Policy LD2 – Biodiversity and geodiversity</b></p> <p>Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:</p> <ol style="list-style-type: none"> <li>1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows: <ul style="list-style-type: none"> <li>a) Development that is likely to harm sites and species of European Importance will not be permitted;</li> <li>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;</li> <li>c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.</li> <li>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.</li> </ul> </li> </ol> |

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| <p><b>f) Does not result in the loss of an area which makes a significant contribution to public amenity by virtue of its open space character, appearance and function;</b></p> <p><b>g) Suitability of the overall design and appearance of the proposed development (including size, scale, density, layout, access, lighting) when assessed in relationship with surrounding buildings, spaces, and other features of the street scene;</b></p> <p><b>h) Use, and where appropriate re-use, of local and traditional materials or suitable artificial alternatives;</b></p> <p><b>i) Includes adequate parking;</b></p> <p><b>j) Inclusion of energy efficiency and conservation measures</b></p> <p><b>k) Use of Sustainable Drainage Systems; and</b></p> <p><b>l) Ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated.</b></p> | <ol style="list-style-type: none"> <li>2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and</li> <li>3. creation of new biodiversity features and wildlife habitats.</li> </ol> <p>Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.</p> <p><b>Policy LD3 Green infrastructure</b></p> <p><b>Policy SD1 Sustainable design and energy efficiency</b></p> <p>Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:</p> <ul style="list-style-type: none"> <li>• ensure that proposals make efficient use of land - taking into account the local context and site characteristics,</li> <li>• new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;</li> <li>• safeguard residential amenity for existing and proposed residents;</li> <li>• ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;</li> <li>• where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective; ensure that</li> </ul> |
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|  | <p>distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;</p> <ul style="list-style-type: none"> <li>• utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure; where possible, on-site renewable energy generation should also be incorporated;</li> <li>• create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly;</li> <li>• ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and</li> <li>• utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;</li> </ul> <p>All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.</p> |
| <p><b>Policy BR6 – Landscape Character</b><br/> <b>All development proposals will have to show regard to the distinctive landscape character of the Clun and North West Herefordshire Hills Character Area</b></p> | <p><b>Policy SS1 Presumption in favour of sustainable development</b><br/> <b>Policy SS6 Environmental quality and local distinctiveness</b><br/> <b>Policy RA3 Herefordshire’s countryside</b></p>  |

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| <p><b>(defined in Appendix 4) by (where appropriate):</b></p> <ul style="list-style-type: none"> <li><b>a) Protecting and managing the ancient semi-natural woodlands and associated habitats occurring across the area;</b></li> <li><b>b) Conserving ancient and veteran trees within former wood pasture, in field boundaries, and in the wider landscape for the benefit of fauna and flora that depend upon them and for their heritage value;</b></li> <li><b>c) Retaining, restoring, managing and planting new hedgerows, replacing hedgerow trees where necessary and managing field boundaries in traditional local styles, to enhance landscape character and improve habitat connectivity;</b></li> <li><b>d) Protecting and conserving the high open moorland areas with their sense of remoteness and panoramic views. Managing access to minimise impacts on the most sensitive sites and habitats, and develop interpretation to allow people to enjoy the tranquility and general accessibility of the area;</b></li> </ul> | <p><b>Policy LD1 Landscape and townscape</b></p> <p><b>Policy LD3 Green infrastructure</b></p> |
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| <p>e) Expanding opportunities for recreation and enjoyment of nature, and managing the existing access network of rights of ways and cycle routes and planning new links;</p> <p>f) Protecting, enhancing and improving interpretation of the historic features in the landscape ranging from the buried archaeology of the prehistoric to Roman periods, the medieval settlements, structures and field systems and later examples of agrarian land use and industry for their educational, cultural and historic significance; and</p> <p>g) Protecting the area’s strong rural character, lack of intrusion and high levels of tranquility.</p> |   |
| <p><b>Policy BR7 – Dark Skies</b></p> <p>To reduce light pollution and to improve the views of our night time skies, planning proposals that include external lighting and significant openings that would allow internal lighting to be seen externally will have to demonstrate the following:</p>   | <p><b>Policy SS6 Environmental quality and local distinctiveness</b></p> <p><b>Policy LD1 Landscape and townscape</b></p> |

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| <p>a) They have undertaken an appropriate assessment of the need for lighting and can demonstrate any need; and</p> <p>b) The nature of the proposed lighting is appropriate for its use and location.</p>  |   |
| <p><b>Policy BR8 – Supporting Development of Communications Infrastructure</b></p> <p>The development of new, high speed broadband infrastructure to serve the Parish will be supported where it is sympathetically designed.</p> <p>All new development will be required to facilitate provision of high speed broadband and other communication networks.</p> | <p><b>Policy LD1 - Landscape and townscape</b></p> <p><b>Policy SD1 – Sustainable design and energy efficiency</b></p>  |
| <p><b>Policy BR9 – Traffic management</b></p> <p>Proposals for improvements in road safety and traffic management and the provision of/improvements to public transport will be fully supported by the <b>Brilley Neighbourhood Development Plan.</b></p>   | <p><b>Policy SS1 Presumption in favour of sustainable development</b></p> <p><b>Policy SS4 Movement and Transportation</b></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</p> |

sustainable by reducing unsustainable transport patterns and promoting travel by walking, cycling and public transport.

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 infrastructure, including that required for alternative energy cars.

Herefordshire Council will work with the Highways Agency, Network Rail, bus and train operators, developers and local communities to bring forward improvements to the local and strategic transport network to reduce congestion, improve air quality and road safety and offer greater transport choices, including the provision of the following major schemes: (List of schemes)

**Policy MT1 – Traffic management, highway safety and promoting active travel**

Development proposals should incorporate the following principle requirements covering movement and transportation:

1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be environmentally 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.

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| <p><b>Policy BR10 – Transport Improvements</b></p> <p><b>Developer contributions and Community Infrastructure Levy payments will be sought towards the following within the parish:</b></p> <ul style="list-style-type: none"> <li><b>a) Highway improvement schemes to promote the safety of all users;</b></li> <li><b>b) Traffic calming measures and the reduction in traffic speeds on routes through the village centre; and</b></li> <li><b>c) Increasing public and community transport to and from the parish.</b></li> <li><b>d) Infrastructure to promote active travel modes (walking and cycling routes).</b></li> </ul> <p><b>The Parish Council will encourage providers of public transport to provide a service to support future development in the Parish.</b></p> | <p><b>Policy SS4 Movement and Transportation</b></p> <p><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> |
| <p><b>Policy BR11 – Public Rights of Way/Connectivity</b></p> <p><b>Proposals for the enhancement and improvement of the existing Public Rights</b></p>   | <p><b>Policy SS4 Movement and Transportation</b></p> <p><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> |

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| <p><b>of Way network within the Parish will be supported.</b></p> <p><b>Proposals for improved linkages and accessibility within Brilley Parish and to the areas beyond will be supported, including walking and cycling routes.</b></p> <p><b>All new proposals should include the following enhancements to maximise accessibility for residents and to support local biodiversity:</b></p> <ul style="list-style-type: none"> <li><b>a) New Public Rights of Way linking to existing and new networks; and</b></li> <li><b>b) Linkages to wildlife corridors and provision of landscaping and planting along routes to support local biodiversity objectives such as provision of new areas of woodland, new hedgerows, grassland and wetland habitats.</b></li> </ul> |  |
| <p><b>Policy BR12 – Supporting and enhancing existing local employment</b></p> <p><b>Existing sources of local employment will be supported. Development that would lead to the expansion or improvement of existing business premises will be</b></p>  | <p><b>RA5 Re-use of rural buildings</b></p> <p>The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which will make a positive contribution to rural businesses and enterprise and support the local economy (including live work units) or which otherwise contributes to residential development, or is essential to the social well-being of the countryside, will be permitted where:</p> |

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| <p><b>permitted when it meets all the following criteria:</b></p> <p><b>a) Is suitable in terms of size, layout, access, parking, design and landscaping;</b></p> <p><b>b) Does not harm the amenity of nearby occupiers;</b></p> <p><b>c) Does not harm the character, appearance or environment of the site and its surroundings;</b></p> <p><b>d) Has adequate access;</b></p> <p><b>e) Retains and enhances any built and natural features/areas that contribute to the amenity or biodiversity of the area; and</b></p> <p><b>f) Includes mechanisms to improve environmental performance to that of current best practice standards.</b></p> <p><b>g) Is in accordance with Policy E2 of the Herefordshire Core Strategy.</b></p> <p><b>Redevelopment or change of use of existing employment premises will only be permitted when:</b></p> <p><b>h) The employment premises have been empty for 12 months or more and</b></p> | <ol style="list-style-type: none"> <li>1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;</li> <li>2. design proposals make adequate provision for protected and priority species and associated habitats;</li> <li>3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;</li> <li>4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and</li> <li>5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.</li> </ol> <p>Any planning permissions granted pursuant to this policy will be subject to a condition removing permitted development rights for future alterations, extensions and other developments.</p> <p><b>RA6 Rural economy</b></p> <p>Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:</p> <ul style="list-style-type: none"> <li>• support and strengthen local food and drink production;</li> </ul> |
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| <p><b>during that time actively marketed without securing a viable alternative employment use; or</b></p> <p><b>i) Equivalent, or better, provision is made, elsewhere within the parish, to replace the proposed loss of local employment space.</b></p> | <ul style="list-style-type: none"> <li>• support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses;</li> <li>• involve the small scale extension of existing businesses;</li> <li>• promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism;</li> <li>• promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced;</li> <li>• support the retention of existing military sites;</li> <li>• support the retention and/ or diversification of existing agricultural businesses;</li> <li>• Planning applications which are submitted in order to diversify the rural economy will be permitted where they;</li> <li>• ensure that the development is of a scale which would be commensurate with its location and setting;</li> <li>• do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;</li> <li>• do not generate traffic movements that cannot safely be accommodated within the local road network and</li> <li>• do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.</li> </ul> <p><b>MT1 Traffic management, highway safety and promoting active travel</b></p> |
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| <p><b>Policy BR13 – New local employment opportunities</b></p> <p>The development of new local employment opportunities will be permitted within the Neighbourhood Development Plan area providing that they:</p> <ul style="list-style-type: none"> <li>a) Do not have a detrimental impact on surrounding residential amenity;</li> <li>b) Do not lead to the loss of open space or green infrastructure;</li> <li>c) Are located close to existing highways and do not have an unacceptable impact on traffic</li> <li>d) Are sustainable; and</li> <li>e) Ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated.</li> </ul> | <p><b>RA5 Re-use of rural buildings</b></p> <p><b>RA6 Rural economy</b></p> <p><b>MT1 Traffic management, highway safety and promoting active travel</b></p>  |
| <p><b>Policy BR14 – Tourism development</b></p> <p>Proposals that contribute to the visitor economy and new visitor accommodation will be encouraged by the Neighbourhood Development Plan subject to the following criteria:</p>   | <p><b>Policy E4 – Tourism</b></p> <p>Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county’s unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including:</p> |

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| <p><b>a) There is a need for the accommodation;</b></p> <p><b>b) Potentially involve the conversion of an existing building where possible;</b></p> <p><b>c) No detrimental impact on surrounding residential amenity;</b></p> <p><b>d) No loss of open space or green infrastructure;</b></p> <p><b>e) Located close to existing highways and do not have an unacceptable impact on traffic;</b></p> <p><b>f) Display a high standard of design appropriate to the area; and</b></p> <p><b>g) Does not introduce built development into an area largely devoid of structures (other than those directly related to agriculture or forestry uses);</b></p> <p><b>h) Ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated; and</b></p> <p><b>i) Is in accordance with Policy BR5 of this Neighbourhood Plan.</b></p> <p><b>Proposals to change the use of existing holiday accommodation to residential will</b></p> | <ol style="list-style-type: none"> <li>1. recognising the unique historic character of Hereford and the market towns as key visitor attractions and as locations to focus the provision of new larger scale tourist development;</li> <li>2. the development of sustainable tourism opportunities, capitalising on assets such as the county’s landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county’s varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;</li> <li>3. retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels will be encouraged. Applicants will be encouraged to provide a ‘Hotel Needs Assessment’ for any applications for new hotels;</li> <li>4. ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity; and</li> <li>5. the safeguarding of the historic route of the Herefordshire and Gloucestershire Canal (shown on the Policies Map), together with its infrastructure, buildings, towpath and features. Where the original alignment cannot be re-established, a corridor allowing for deviations will be safeguarded. New developments within or immediately adjoining the safeguarded corridor will be required to incorporate land for canal restoration. Development not connected with the canal that would prevent or prejudice the restoration of a continuous route will not be permitted.</li> </ol> |
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**be resisted unless the development satisfies the following criteria:**

- j) It involves the change of use to a dwelling for identified local need; and**
- k) The building is capable of being permanently occupied without the need for any major reconstruction, extension or alteration that could be harmful to the character of the building or the amenity of neighbouring properties; and**
- l) Sufficient curtilage space can be provided without harming the setting of the building or the character of the surrounding landscape.**

## **Be Compatible with EU Obligations**

The Brilley Submission Neighbourhood Plan is fully compatible with EU Obligations.

The Submission Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Herefordshire Council and is accompanied by an Environmental Report and a Habitats Regulations Assessment.

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.