

# **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 (2015) up to 2031 (the same period as the emerging 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>
<p>Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>The Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The emerging vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to 2031 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>This Submission Neighbourhood Plan refines and amplifies Herefordshire-wide policies and proposals set out in Hereford's UDP and emerging Core Strategy Local Plan policies. The Submission Neighbourhood Plan supports appropriate business and economic growth in the parish in Policies BR12 and BR13. 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>
<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. 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</p>	<p>The Submission Neighbourhood Plan supports the re-use of brownfield sites / retention of buildings in Policy BR5. The use of Sustainable Drainage Systems is</p>

<p>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>promoted in 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.</p> <p>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 brownfield sites / 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 and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).</p>	<p>Overall the Plan supports an approach which should provide a sustainable future for this rural community, providing policies which protect existing community facilities in the Parish, support a mix of new housing and small scale rural enterprise appropriate to the local character, and which protect the open countryside and valued green spaces.</p>
<p>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</p>	<p>Policy BR6 supports the protection, enhancement and improvement of historic features in the landscape.</p>
<p>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</p>	<p>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.</p>

<p>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</p>	<p>The Neighbourhood Plan is fully in accord with this principle. Policies in the plan safeguard and seek to improve open countryside and rural landscape setting and promote walking and cycling.</p>
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**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).

Responses were received from English Heritage and Natural England. The response from Natural England agrees with the recommendation for an HRA and an SEA for the plan.

The accompanying Consultation Statement for the Brilley Neighbourhood Plan includes the full responses from both English Heritage and Natural England.

**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.**

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Group Parish, for example through supporting and enhancing existing local employment (BR12), encouraging new local employment opportunities in BR13 and supporting appropriate tourism development in BR14.
Social	The plan protects local community facilities and recognises the role of the landscape and countryside in supporting health and wellbeing of parish residents The Plan also supports new market and local needs housing and a mix of tenures, types and sizes of houses in 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.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise 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 Saved Policies of the Herefordshire UDP 2007.

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](#). A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”*

Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from the Adopted Plan. Note is also made of the relevant policies in the emerging new Core Strategy Local Plan for Herefordshire, although this Plan has little weight in decision making at the time of Submission of the Neighbourhood Plan.

Table 3 Conformity with Local Strategic Policy

<b><i>Brilley Neighbourhood Development Plan</i></b>	<b><i>Herefordshire Adopted Unitary Development Plan 2007 Saved Policies</i></b>	<b><i>Herefordshire Local Plan Core Strategy 2011 – 2031 Submission Draft</i></b>
<p><b>Policy Brilley (BR) 1 - Protection of Local Community Facilities</b></p> <p><b>Existing Community Facilities are identified below and on the map in Appendix 5. 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>Village Hall and Green, encompassing the school site and</b></p> <p><b>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>I. 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>S11 Community facilities and services</b></p> <p>The needs of the community for services and facilities will be addressed by:</p> <ol style="list-style-type: none"> <li>1. ensuring that the provision of necessary infrastructure minimises environmental consequences;</li> <li>2. supporting the use of renewable energy resources where they are economically and environmentally sustainable; and</li> <li>3. making provision for the retention of existing community facilities, particularly where there is under provision, and for the further development of social, health, education and community care facilities which are located close to the community they serve.</li> </ol> <p><b>CF5 New community facilities</b></p> <p>Proposals which would result in the provision of new or improved community facilities or the</p>	<p><b>SC1 Social and community 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 (for example, schools, pre-schools, children’s centres, child minding provision, youth provision, pubs and local shops) -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 contribution where appropriate.</p>

<p><b>II. 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>III. The site is readily accessible</b></p> <p><b>IV. There are opportunities to integrate services</b></p> <p><b>V. 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>VI. 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>enhanced use of existing facilities will be permitted where they:</p> <ol style="list-style-type: none"> <li>1. are appropriate in scale to the needs of the local community and reflect the character of the location;</li> <li>2. are located within or around the settlement or the area they serve;</li> <li>3. would not significantly impact upon the amenity of neighbouring residents; and</li> <li>4. incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.</li> </ol> <p><b>CF6 Retention of existing facilities</b></p> <p>Development proposals that would result in the loss of existing facilities which contribute to the needs of the community, will not be permitted unless:</p> <ol style="list-style-type: none"> <li>1. alternative provision of at least equivalent community benefit is provided in a convenient and accessible location; or</li> <li>2. the facilities can be best enhanced or complemented through the development of a small part of the site; or</li> <li>3. there is continuing evidence that the facility is no longer required and that it could not accommodate</li> </ol>	
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	<p>an alternative community facility for which there is a need.</p> <p>Other development which would reduce or restrict the ability of such facilities to be used for the function they are intended to fulfil will not be permitted.</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 in Appendix 5 are protected from development in accordance with Paragraphs 76 and 77 of the NPPF,</b></p> <p><b>Brilley Green Dingle</b></p> <p><b>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.</b></p>	<p><b>S7 Natural and historic heritage</b></p> <p>The following assets comprising the County's historic and natural heritage will be protected, restored or enhanced:</p> <p>(1. Areas of Outstanding Natural Beauty; )</p> <p>2. sites and features of international, national and local nature conservation interest, species of biodiversity interest and areas of geodiversity;</p> <p>3. the historic heritage including archaeology, buildings and areas of historic or architectural importance, and natural landscapes; and</p> <p>4. landscape features that contribute positively to local distinctiveness and quality of the local environment.</p>	<p><b>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 listed objectives.</p>
<p><b>Policy BR3 – Scale and Type of New Housing Development in the Parish of Brilley</b></p>	<p><b>Policy H4</b></p> <p>Brilley is <u>not</u> identified as a Main Village in Policy H4.</p> <p><b>Policy H6</b></p>	<p><b>Policy RA1 – Rural housing strategy</b></p> <p>In Herefordshire's rural areas around 5,300 new dwellings will be provided between 2011 and 2031 to help meet the county's housing needs, with the development of affordable housing being</p>

<p><b>Proposals for new housing in the settlement area of Brillley will only be permitted in the following circumstances:</b></p> <p><b>I. It is proportionate to the size and function of the immediate surrounding area</b></p> <p><b>II. Is one or two-storey construction</b></p> <p><b>III. It is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape</b></p> <p><b>IV. It has an appropriate density in context with the immediate surrounding area</b></p> <p><b>V. It can achieve appropriate and safe access to the highway network.</b></p> <p><b>Housing development outside the settlement area may be permitted provided that it meets one or more of the following:</b></p> <p><b>VI. It is essential housing for agricultural, forestry or other rural workers to live permanently at or near their place of work</b></p> <p><b>VII. It is for local needs housing for existing residents or those with long-standing close family</b></p>	<p>Brilley is <u>not</u> identified as a smaller settlement in Policy H6.</p> <p><b>H7 Housing in the countryside outside settlements</b></p> <p>Proposals for housing development outside Hereford, the market towns, the main villages and smaller settlements will not be permitted unless:</p> <ol style="list-style-type: none"> <li>1. the development is clearly necessary in connection with agriculture or forestry and cannot be located in a settlement and complies with policy H8; or</li> <li>2. it is a necessary accompaniment to the establishment or growth of a rural enterprise, and complies with policy H8; or</li> <li>3. it results from the re-use of a rural building in accordance with policies HBA12 and HBA13; or</li> <li>4. it is a replacement for, comparable in size and scale with and on the same site as an existing building with established residential use rights; or</li> <li>5. it is an extension to an existing dwelling in accordance with policy H18; or</li> <li>6. it is a site providing for the needs of Gypsies or other Travellers in accordance with policy H12; or</li> <li>7. it is rural exception housing in accordance with policy H10.</li> </ol>	<p>a priority. The regeneration of the rural economy will be promoted and supported, and the unique local environment will be protected and, where appropriate, enhanced.</p> <p>New dwellings will be broadly distributed across the county’s rural areas on the basis of 7 Housing Markets Areas (HMAs – as illustrated in Figure 4.18) acknowledging that different areas of Herefordshire have different future housing needs and requirements.</p> <p>Proportionate to rural HMA characteristics and reflective of future housing needs and requirements within each area, a growth target (%) will assist to inform the level of housing development within the villages identified in each HMA. All Neighbourhood Development Plans shall aim to provide levels of housing to meet these targets in a locally focused way.</p> <table border="0" data-bbox="1541 1114 2018 1310"> <tr> <td>Rural HMA</td> <td>Approximate number of dwellings 2011 - 2031</td> <td>364</td> <td>Indicative housing growth target for the villages (%)*</td> </tr> </table>	Rural HMA	Approximate number of dwellings 2011 - 2031	364	Indicative housing growth target for the villages (%)*
Rural HMA	Approximate number of dwellings 2011 - 2031	364	Indicative housing growth target for the villages (%)*			

<p><b>links as defined in Herefordshire Council's Core Strategy</b></p> <p><b>VIII. It accompanies and is necessary for the establishment or growth of a sustainable rural enterprise</b></p> <p><b>IX. It replaces existing development and is not significantly larger than the previous development</b></p> <p><b>X. It is located within or adjacent to an existing group of buildings</b></p> <p><b>XI. It reuses existing, redundant building so long as those buildings can be shown to have had a pre-existence in the community.</b></p>	<p>Development should be in accordance with the housing design and other policies of this Plan.</p> <p><b>H8 Agricultural and forestry dwellings and dwellings associated with rural businesses</b></p> <p>Proposals for agricultural dwellings and dwellings associated with other rural businesses arising under policy H7 will only be permitted where it can be demonstrated that a long term genuine need exists for the dwelling as an essential part of a financially viable business, and that such need cannot be met in existing accommodation.</p>	<p>Kington 317 12</p> <p><b>Policy RA2 – Herefordshire's villages</b></p> <p>To maintain and strengthen a network of locally sustainable communities across the rural parts of Herefordshire, there will be opportunities for housing growth in those villages best able to support development, bolstering existing service provision, improving facilities and infrastructure and meeting the needs of their communities.</p> <p>The growth target for the villages (%) of each rural HMA will assist to inform the level of housing development in the villages identified in Figures 4.20 and 4.21. All Neighbourhood Development Plans shall aim to provide levels of housing to proportionally meet these targets in a locally focused way.</p> <p>Housing growth will vary between the villages identified in a proportionate manner and will be permitted only where the residential development proposal is considered to be locally appropriate in terms of various criteria.</p>
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<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. 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>S3 Housing</b></p> <p>Housing will be provided to meet the needs of communities throughout the County, including the need for affordable housing (about 2,300 dwellings in the Plan period) and for the provision of a range of dwelling types and sizes, and taking advantage of opportunities to create and maintain sustainable and integrated communities.</p> <p><b>H7 Housing in the countryside outside settlements</b></p> <p>Proposals for housing development outside Hereford, the market towns, the main villages and smaller settlements will not be permitted unless:</p> <ol style="list-style-type: none"> <li>1. the development is clearly necessary in connection with agriculture or forestry and cannot be located in a settlement and complies with policy H8; or</li> <li>2. it is a necessary accompaniment to the establishment or growth of a rural enterprise, and complies with policy H8; or</li> <li>3. it results from the re-use of a rural building in accordance with policies HBA12 and HBA13; or</li> </ol>	<p><b>Policy H1 -Affordable housing – thresholds and targets</b></p> <p>All new open market housing proposals on sites above the thresholds set out below will be expected to contribute towards meeting affordable housing needs.</p> <p>...</p> <p>In rural areas, all new housing developments will be expected to make a contribution whereby:</p> <ol style="list-style-type: none"> <li>i) on sites of 3 or more dwellings, the affordable housing will be expected to be provided on-site unless developers can clearly demonstrate that a financial contribution would be more appropriate;</li> <li>ii) on sites of 1 or 2 dwellings, developers will be required to provide a financial contribution to the provision of affordable housing off-site.</li> </ol> <p><b>H2 Rural exception sites</b></p>

	<p>4. it is a replacement for, comparable in size and scale with and on the same site as an existing building with established residential use rights; or</p> <p>5. it is an extension to an existing dwelling in accordance with policy H18; or</p> <p>6. it is a site providing for the needs of Gypsies or other Travellers in accordance with policy H12; or</p> <p>7. it is rural exception housing in accordance with policy H10.</p> <p>Development should be in accordance with the housing design and other policies of this Plan.</p> <p><b>H10 Rural exception housing</b></p> <p>Exceptionally, affordable housing may be permitted on land within or adjoining an established rural settlement which would not normally be released for development, provided that:</p> <p>1. the scheme will contribute to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. In the case of a single affordable dwelling, clear evidence of a long-term local need will be required;</p> <p>2. it is evident that local housing conditions could not otherwise satisfy the need;</p>	<p>Proposals for small affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where:</p> <p>1. the proposal could assist in meeting a proven local need for affordable housing; and</p> <p>2. the affordable housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and</p> <p>3. the site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2; and</p> <p>4. the internal floor area of the dwellings are consistent with the size limits required by policy RA2.</p> <p>In order to enable the delivery of affordable housing some market housing may be permitted as part of the development to subsidise a significant proportion of affordable housing provision. However, evidence will be required – by way of a financial appraisal, in order to demonstrate that the</p>
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	<p>3. the scheme respects both the character and size of the settlement concerned and the identified scale of need;</p> <p>4. arrangements are made to ensure that the benefits of affordable housing, for single dwellings as well as larger schemes, will be enjoyed in perpetuity by subsequent occupants in local need as well as by the initial occupiers;</p> <p>5. the site’s location affords reasonable access to facilities and where possible public transport;</p> <p>6. proposals do not involve mixed developments consisting of open market housing to offset the lower return on affordable housing on the same site; and</p> <p>7. in settlements other than Kington (policy H2), the main villages (policy H4) or smaller settlements (policy H6) the proposal is limited to the construction of a single affordable dwelling which does not exceed the dwelling and plot size limits set in policy H6 unless clear evidence is provided to indicate a need exists for a larger dwelling.</p>	<p>proposed scale of market housing is that required for the successful delivery of affordable housing.</p> <p><b>H3 Ensuring an appropriate range and mix of housing</b></p> <p>Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.</p>
<p><b>Policy BR5 – General Design Principles</b></p>	<p><b>S1 Sustainable development</b></p> <p>The Plan will promote development and land use change which in terms of its level, location, form and design contributes to the achievement of sustainable development. This means avoiding or</p>	<p><b>SS1 Presumption in favour of sustainable development</b></p> <p>When considering development proposals Herefordshire Council will take a positive approach that reflects the</p>

<p><b>All new development proposals will be required to demonstrate how they have taken account of the following criteria:</b></p> <p><b>I. Makes efficient use of land and buildings (i.e. gives priority to brownfield sites/retention of buildings)</b></p> <p><b>II. Exploits existing services and facilities, including using local tradespeople wherever possible</b></p> <p><b>III. Does not have a detrimental effect on residential amenity by reason of noise or other nuisance</b></p> <p><b>IV. Does not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure</b></p> <p><b>V. Provides appropriate and safe access to the development site</b></p> <p><b>VI. 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>VII. Suitability of the overall design and appearance of the proposed development (including size, scale, density, layout, access, lighting) when</b></p>	<p>minimising adverse impacts on the environment whilst providing necessary dwellings and employment together with appropriate infrastructure, services, transport and amenities.</p> <p>Sustainable development will be promoted by:</p> <ol style="list-style-type: none"> <li>1. protecting and enhancing the natural environment and historic heritage, especially irreplaceable assets;</li> <li>2. respecting patterns of local distinctiveness and landscape character in both town and country, and safeguarding landscape quality and visual amenity;</li> <li>3. conserving and minimising use of natural resources - particularly non-renewables - and encouraging resource enhancement and alternatives to the use of non-renewable resources;</li> <li>4. regenerating or recycling previously-used resources – including previously-developed land, buildings and infrastructure – and perpetuating the use of existing infrastructure and facilities wherever possible;</li> <li>5. increasing energy conservation, energy-efficiency, and energy generation from renewable sources;</li> <li>6. minimising waste and pollution and adopting sustainable treatment systems;</li> </ol>	<p>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><b>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 historic 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.</p> <p><b>RA2 Herefordshire’s villages</b></p> <p><b>RA3 Herefordshire’s countryside</b></p> <p>In rural locations away from Herefordshire’s villages, residential development will be limited to proposals</p>
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<p><b>assessed in relationship with surrounding buildings, spaces, and other features of the street scene</b></p> <p><b>VIII. Use, and where appropriate re-use, of local and traditional materials or suitable artificial alternatives</b></p> <p><b>IX. Include adequate parking</b></p> <p><b>X. Inclusion of energy efficiency and conservation measures</b></p> <p><b>XI. Use of Sustainable Drainage Systems.</b></p>	<p>7. directing necessary new development to locations, settlements and sites that best meet the appropriate sustainable development criteria;</p> <p>8. requiring more sustainable design in all aspects of new development, redevelopment and regeneration;</p> <p>9. ensuring that development respects the needs of local communities and encouraging greater self-sufficiency within local communities;</p> <p>10. seeking more equitable access for all sectors of the community to opportunities for homes and livelihoods, natural and historic resources, health, recreation, amenity, education, and facilities and services;</p> <p>11. supporting sustainable economic activity and high and stable levels of employment;</p> <p>12. supporting more sustainable approaches to land use and land management in rural areas;</p> <p>13. reducing the need to travel, securing safe and convenient accessibility between different land uses and maintaining, improving and integrating opportunities to move safely and conveniently by modes other than personal motor transport;</p> <p>14. improving health and safety through reduced pollution and safer design of the built environment and landscaping;</p>	<p>which satisfy one or more of the criteria listed.</p> <p><b>H2 Rural exception sites</b></p> <p><b>LD1 Landscape and townscape</b></p> <p>Development proposals should be in accordance with landscape management objectives and townscape assessments and achieve all the listed objectives</p> <p><b>LD4 Historical environment and heritage assets</b></p> <p>Development proposals affecting heritage assets and the wider historic environment should achieve listed objectives.</p> <p><b>SD1 Sustainable design and environmental efficiency</b></p> <p>Development proposals should include high quality sustainable design that also creates a safe, accessible, well integrated environment for all members of the community.</p>
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	<p>15. avoiding or minimising adverse impacts of human activities, land uses and development on the physical environment.</p> <p><b>S2 Development requirements</b></p> <p>The contribution that developments can make to a sustainable pattern of land use and development which respects the County’s environmental resources will be secured by:</p> <ol style="list-style-type: none"> <li>1. ensuring that new development achieves a high standard of design and layout which respects the townscape, landscape, ecological and historic character of the area; is sustainable in terms of its construction materials and methods, use of energy, water and other resources; and includes positive environmental benefits including landscaping schemes and provision of wildlife habitats;</li> <li>2. promoting land use patterns and developments which favour mixed uses subject to amenity considerations, which respect the development potential of adjoining land, and which wherever possible secure the reclamation and beneficial use of degraded or contaminated land, environmental improvements and the reduction or removal of environmental conflicts;</li> <li>3. ensuring that developments include suitable provision for public transport, cycling and walking, and that their likely effect in relation to the capacity</li> </ol>	
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	<p>and safety of both the trunk road and local highway network is taken fully into account;</p> <p>4. ensuring that development is designed having full regard to and within environmental constraints, including groundwater protection, land stability, contamination, and the location of hazardous uses;</p> <p>5. taking a risk-based precautionary approach to flood risk and the effects of flooding elsewhere, having regard to indicative flood risk in the major flood plains of the Rivers Wye and Lugg and their tributaries. Where development is proposed in locations at risk of flooding, it should be demonstrated that there are no reasonable options available in a lower risk category, consistent with other sustainable development objectives;</p> <p>6. ensuring that development does not lead to an unacceptable risk to human health and safety, and that risks of pollution of water, air, or land, or in terms of noise or lighting, are minimised;</p> <p>7. ensuring that development which would result in significant negative effects is avoided, but where environmental impact is unavoidable, requiring mitigation or compensation measures which provide benefits at least equal to any environmental loss;</p> <p>8. taking proper account of the ability of existing and proposed infrastructure including foul drainage, water supply and water resources, and</p>	
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	<p>the highway network to serve the development proposed without undue environmental impact; and</p> <p>9. making use of planning conditions and planning obligations to further the strategy of the Plan.</p> <p><b>DR1 Design</b></p> <p>Where relevant to the proposal, all development will be required to:</p> <ol style="list-style-type: none"> <li>1. promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials;</li> <li>2. retain and where possible incorporate existing site features contributing to the quality of the local environment, including landscape, historic and natural elements such as wildlife habitats and species;</li> <li>3. respect the context of the site, taking into account townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines;</li> <li>4. include measures that address health and safety, the conservation of energy and water, and avoids nuisance and pollution; and</li> <li>5. submit a design statement with the application for planning permission which sets out how</li> </ol>	
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	<p>proposals relate to issues of design quality, environmental conservation and sustainability.</p> <p>Development which does not adequately address design principles or is of poor design, including schemes which are out of scale or character with their surroundings, will not be permitted.</p> <p>Within major development proposals, the provision of public art will be expected as a integral part of the overall design to enhance identity and local distinctiveness.</p> <p><b>H13 Sustainable residential design</b></p> <p>Proposals for residential development at all scales should maximise their contribution to sustainable residential design and high quality living environments. In particular proposals will be expected to:</p> <ol style="list-style-type: none"> <li>1. take an integrated and comprehensive approach to design, layout and landscape which respects the townscape and landscape context of the site and the distinctive character and appearance of the locality;</li> <li>2. provide for interesting and attractive environments through the imaginative layout of buildings, landscaping and open spaces, making full use of existing site features;</li> </ol>	
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	<ol style="list-style-type: none"><li>3. create environments which are safe and secure for all members of the community;</li><li>4. design for movement and traffic management in ways that give priority to pedestrians, cyclists and, where appropriate, public transport, above the movement and parking of motor vehicles, in accordance with the transport user hierarchy;</li><li>5. address the energy efficiency of new housing, including energy conservation measures, sustainable energy generation, layout and orientation;</li><li>6. make provision for recycling and composting in the use of dwellings;</li><li>7. provide for the conservation of resources such as water;</li><li>8. make provision for sustainable drainage measures for both surface and foul water;</li><li>9. include landscaping and open space proposals in accordance with other Plan policies as an integral element of the scheme;</li><li>10. avoid building on open space with recreational and amenity value; and</li><li>11. provide for acceptable levels of residential amenity including privacy both within the scheme and in respect of nearby properties.</li></ol>	
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	<p>Design statements should address these issues in setting out the design principles adopted and the regard had to context.</p> <p><b>HBA12 Re-use of rural buildings</b></p> <p>Proposals for the re-use and adaptation of rural buildings will be permitted where:</p> <ol style="list-style-type: none"> <li>1. the building is of permanent and substantial construction capable of conversion without major or complete reconstruction;</li> <li>2. 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> <li>3. the proposal does not lead to dispersal of activity on such a scale as to prejudice town and village vitality; and</li> <li>4. the proposal is compatible with neighbouring uses, particularly agricultural operations and does not itself cause undue environmental impacts.</li> </ol>	
<p><b>Policy BR6 – Landscape Character</b></p>	<p><b>S1 Sustainable development</b></p> <p>The Plan will promote development and land use change which in terms of its level, location, form</p>	<p><b>SS1 Presumption in favour of sustainable development</b></p>

<p><b>All development proposals will have to show regard to the distinctive landscape character of the Clun and North West Herefordshire Hills Character Area (defined in Appendix 6) by (where appropriate):</b></p> <p><b>I. Protecting and managing the ancient semi-natural woodlands and associated habitats occurring across the area</b></p> <p><b>II. 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></p> <p><b>III. 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></p> <p><b>IV. 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></p> <p><b>V. 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</b></p>	<p>and design contributes to the achievement of sustainable development. This means avoiding or minimising adverse impacts on the environment whilst providing necessary dwellings and employment together with appropriate infrastructure, services, transport and amenities.</p> <p>Sustainable development will be promoted by:</p> <ol style="list-style-type: none"> <li>1. protecting and enhancing the natural environment and historic heritage, especially irreplaceable assets;</li> <li>2. respecting patterns of local distinctiveness and landscape character in both town and country, and safeguarding landscape quality and visual amenity;</li> <li>3. conserving and minimising use of natural resources - particularly non-renewables - and encouraging resource enhancement and alternatives to the use of non-renewable resources;</li> <li>4. regenerating or recycling previously-used resources – including previously-developed land, buildings and infrastructure – and perpetuating the use of existing infrastructure and facilities wherever possible;</li> <li>5. increasing energy conservation, energy-efficiency, and energy generation from renewable sources;</li> </ol>	<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><b>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 historic 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</p>
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<p><b>VI. 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</b></p> <p><b>VII. Protecting the area’s strong rural character, lack of intrusion and high levels of tranquility.</b></p>	<p>6. minimising waste and pollution and adopting sustainable treatment systems;</p> <p>7. directing necessary new development to locations, settlements and sites that best meet the appropriate sustainable development criteria;</p> <p>8. requiring more sustainable design in all aspects of new development, redevelopment and regeneration;</p> <p>9. ensuring that development respects the needs of local communities and encouraging greater self-sufficiency within local communities;</p> <p>10. seeking more equitable access for all sectors of the community to opportunities for homes and livelihoods, natural and historic resources, health, recreation, amenity, education, and facilities and services;</p> <p>11. supporting sustainable economic activity and high and stable levels of employment;</p> <p>12. supporting more sustainable approaches to land use and land management in rural areas;</p> <p>13. reducing the need to travel, securing safe and convenient accessibility between different land uses and maintaining, improving and integrating opportunities to move safely and conveniently by modes other than personal motor transport;</p>	<p>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;</li> <li>• historic environment and heritage assets;</li> <li>• the network of green infrastructure;</li> <li>• local amenity, including light pollution, air quality and tranquillity;</li> <li>• agricultural and food productivity and soils;</li> <li>• physical resources, including minerals, management of waste, the water environment, renewable energy and energy conservation.</li> </ul> <p><b>RA2 Herefordshire’s villages</b></p> <p>Brilley is identified in Fig 4.20 as a Village which is the main focus of proportionate housing development.</p> <p>Criteria for new development is set out in the Policy.</p>
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	<p>14. improving health and safety through reduced pollution and safer design of the built environment and landscaping;</p> <p>15. avoiding or minimising adverse impacts of human activities, land uses and development on the physical environment.</p> <p><b>S7 Natural and historic heritage</b></p> <p>The following assets comprising the County's historic and natural heritage will be protected, restored or enhanced:</p> <p>(1. Areas of Outstanding Natural Beauty; )</p> <p>2. sites and features of international, national and local nature conservation interest, species of biodiversity interest and areas of geodiversity;</p> <p>3. the historic heritage including archaeology, buildings and areas of historic or architectural importance, and natural landscapes; and</p> <p>4. landscape features that contribute positively to local distinctiveness and quality of the local environment.</p> <p><b>DR1 Design</b></p> <p>Where relevant to the proposal, all development will be required to:</p> <p>1. promote or reinforce the distinctive character and appearance of the locality in terms of layout,</p>	<p><b>RA3 Herefordshire's countryside</b></p> <p>In rural locations away from Herefordshire's villages, residential development will be limited to proposals which satisfy one or more of the criteria listed.</p> <p><b>LD1 Landscape and townscape</b></p> <p>Development proposals should be in accordance with landscape management objectives and townscape assessments and achieve all the listed objectives.</p> <p><b>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 listed objectives.</p>
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	<p>density, means of access and enclosure, scale, mass, height, design and materials;</p> <p>2. retain and where possible incorporate existing site features contributing to the quality of the local environment, including landscape, historic and natural elements such as wildlife habitats and species;</p> <p>3. respect the context of the site, taking into account townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines;</p> <p>4. include measures that address health and safety, the conservation of energy and water, and avoids nuisance and pollution; and</p> <p>5. submit a design statement with the application for planning permission which sets out how proposals relate to issues of design quality, environmental conservation and sustainability.</p> <p>Development which does not adequately address design principles or is of poor design, including schemes which are out of scale or character with their surroundings, will not be permitted.</p> <p>Within major development proposals, the provision of public art will be expected as a integral part of the overall design to enhance identity and local distinctiveness.</p>	
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	<p><b>H7 Housing in the countryside outside settlements</b></p> <p>Proposals for housing development outside Hereford, the market towns, the main villages and smaller settlements will not be permitted unless:</p> <ol style="list-style-type: none"> <li>1. the development is clearly necessary in connection with agriculture or forestry and cannot be located in a settlement and complies with policy H8; or</li> <li>2. it is a necessary accompaniment to the establishment or growth of a rural enterprise, and complies with policy H8; or</li> <li>3. it results from the re-use of a rural building in accordance with policies HBA12 and HBA13; or</li> <li>4. it is a replacement for, comparable in size and scale with and on the same site as an existing building with established residential use rights; or</li> <li>5. it is an extension to an existing dwelling in accordance with policy H18; or</li> <li>6. it is a site providing for the needs of Gypsies or other Travellers in accordance with policy H12; or</li> <li>7. it is rural exception housing in accordance with policy H10.</li> </ol> <p>Development should be in accordance with the housing design and other policies of this Plan.</p>	
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	<p><b>LA2 Landscape character and areas least resilient to change</b></p> <p>Proposals for new development that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation or its key attributes or features, will not be permitted.</p> <p>Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Where appropriate, developers will be encouraged to restore degraded or despoiled landscapes to their inherent character.</p> <p><b>LA3 Setting of settlements</b></p> <p>Development outside the built up areas of Hereford, the market towns and rural settlements, which is acceptable in terms of other Plan policies, will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned.</p> <p>Important visual approaches into settlements, views of key buildings, open areas into development, green corridors, ridgelines and surrounding valued open countryside will be particularly protected and, where necessary, enhanced.</p>	
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	<p>In appropriate new developments around existing settlements the creation of open space, urban parks, green wedges, and tree lines will be promoted where they complement and enhance landscape character and townscape.</p> <p><b>NC1 Biodiversity and development</b></p> <p>In determining all development proposals, the effects upon biodiversity and features of geological interest will be taken fully into consideration. Prior to determination of applications for development on sites where there is reason to believe that such features of importance exist, a field evaluation may be required. Proposals should:</p> <ol style="list-style-type: none"> <li>1. seek to retain existing semi-natural habitat, wildlife corridors, species or geological features within their layouts and design; and</li> <li>2. demonstrate that the proposal will have no adverse effects on any adjacent biodiversity and features of geological interest, or lead to the fragmentation, increase isolation, or damage to protected or priority habitats and / or priority or protected species.</li> </ol>	
<p><b>Policy BR7 – Dark Skies</b></p> <p><b>To reduce light pollution and to improve the views of our night time skies, planning proposals that include external lighting and significant openings</b></p>	<p><b>S7 Natural and historic heritage</b></p> <p>The following assets comprising the County's historic and natural heritage will be protected, restored or enhanced:</p>	<p><b>SS6 Environmental quality and local distinctiveness</b></p> <p>Development proposals should conserve and enhance those environmental assets that contribute towards the county's</p>

<p><b>that would allow internal lighting to be seen externally will have to demonstrate the following:</b></p> <p><b>I. They have undertaken an appropriate assessment of the need for lighting and can demonstrate any need; and</b></p> <p><b>II. The nature of the proposed lighting is appropriate for its use and location.</b></p>	<ol style="list-style-type: none"> <li>1. Areas of Outstanding Natural Beauty;</li> <li>2. sites and features of international, national and local nature conservation interest, species of biodiversity interest and areas of geodiversity;</li> <li>3. the historic heritage including archaeology, buildings and areas of historic or architectural importance, and natural landscapes; and</li> <li>4. landscape features that contribute positively to local distinctiveness and quality of the local environment.</li> </ol>	<p>distinctiveness, in particular its settlement pattern, landscape, biodiversity and historic 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.</p> <p><b>LD1 Landscape and townscape</b></p> <p>Development proposals should be in accordance with landscape management objectives and townscape assessments and achieve all the listed objectives.</p>
<p><b>Policy BR8 – Supporting Development of Communications Infrastructure</b></p> <p><b>The development of new, high speed broadband infrastructure to serve the Parish will be supported where it is sympathetically designed.</b></p> <p><b>All new development will be required to make provision for high speed broadband and other communication networks.</b></p>	<p><b>CF3 Telecommunications</b></p> <p>Applications for planning permission for telecommunications development and for prior approval determinations should meet the following requirements:</p> <ol style="list-style-type: none"> <li>1. demonstrate that there is no opportunity for mast or site sharing or use of an existing building or structures. Shared facilities will not be permitted where this would result in a substantial increase in the height of the facility which would detrimentally impact on the surrounding area;</li> <li>2. ensure that the siting and external appearance of the apparatus have been designed to minimise the</li> </ol>	<p><b>LD1 - Landscape and townscape</b></p> <p><b>SD1 – Sustainable design and energy efficiency</b></p> <p>Development proposals should include high quality sustainable design that also creates a safe, accessible, well integrated environment for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:</p> <p>.....</p> <ul style="list-style-type: none"> <li>• ensuring designs can be easily adapted and accommodate new</li> </ul>

	<p>impact on the surrounding countryside or urban area and residential amenity; and</p> <p>3. where appropriate and technically possible, provide a scheme for landscaping screening.</p> <p>High priority should be given to the need to safeguard areas of particular environmental importance. In the Malvern Hills or Wye Valley AONB, within conservation areas, and where listed buildings, scheduled ancient monuments and other designated sites and areas valued for their biodiversity, landscape or geological importance may be affected, proposals should be sensitively designed and sited. In such situations applicants must demonstrate that there are no suitable alternative sites.</p> <p>When determining applications and prior approvals, the significance of the proposed development as part of a national network and the special siting needs and technical and operational constraints of the operation will be taken into account.</p>	<p>technologies to meet changing needs throughout the lifetime of the development;</p>
<p><b>Policy BR9 – Traffic management</b></p> <p><b>Proposals for improvements in road safety and traffic management and the provision of/improvements to public transport will be fully supported by the Brilley Neighbourhood Development Plan.</b></p>	<p><b>S1 Sustainable development</b></p> <p>The Plan will promote development and land use change which in terms of its level, location, form and design contributes to the achievement of sustainable development. This means avoiding or minimising adverse impacts on the environment whilst providing necessary dwellings and</p>	<p><b>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</p>

	<p>employment together with appropriate infrastructure, services, transport and amenities.</p> <p>Sustainable development will be promoted by:</p> <p>9. ensuring that development respects the needs of local communities and encouraging greater self-sufficiency within local communities;</p> <p>10. seeking more equitable access for all sectors of the community to opportunities for homes and livelihoods, natural and historic resources, health, recreation, amenity, education, and facilities and services;</p> <p><b>T13 Traffic management schemes</b></p> <p>Traffic management schemes will be developed as appropriate within Hereford, the market towns, villages and the wider rural areas. Such schemes will be designed to limit the impact of traffic, improve access, safety and the local environment, enhance use of public transport and improve facilities for cycling and walking. Schemes will be required to audit existing use by walkers and cyclists and, where necessary, provide for appropriate improvements. They will also be required to meet the design guidance associated with the Plan.</p> <p>Individual development proposals will be expected to include design elements which consider and contribute to such schemes wherever necessary.</p>	<p>proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.</p> <p><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be environmentally managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</li> <li>2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport.</li> </ol>
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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> <p><b>I. Highway improvement schemes to promote the safety of all users</b></p> <p><b>II. Traffic calming measures and the reduction in traffic speeds on routes through the village centre</b></p> <p><b>III. Increasing public and community transport to and from the parish.</b></p> <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>S1 Sustainable development</b></p> <p>The Plan will promote development and land use change which in terms of its level, location, form and design contributes to the achievement of sustainable development. This means avoiding or minimising adverse impacts on the environment whilst providing necessary dwellings and employment together with appropriate infrastructure, services, transport and amenities.</p> <p>Sustainable development will be promoted by:</p> <p>9. ensuring that development respects the needs of local communities and encouraging greater self-sufficiency within local communities;</p> <p>10. seeking more equitable access for all sectors of the community to opportunities for homes and livelihoods, natural and historic resources, health, recreation, amenity, education, and facilities and services;</p>	<p><b>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><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate the following principle requirements covering movement and transportation:</p> <p>3. 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</p>
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		<p>levels to reduce and mitigate any adverse impacts from the development;</p> <p>4. 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.</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 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.</b></p> <p><b>All new proposals should include the following enhancements to maximise accessibility for residents and to support local biodiversity:</b></p>	<p><b>S1 Sustainable development</b></p> <p>The Plan will promote development and land use change which in terms of its level, location, form and design contributes to the achievement of sustainable development. This means avoiding or minimising adverse impacts on the environment whilst providing necessary dwellings and employment together with appropriate infrastructure, services, transport and amenities.</p> <p>Sustainable development will be promoted by:</p> <p>9. ensuring that development respects the needs of local communities and encouraging greater self-sufficiency within local communities;</p> <p>10. seeking more equitable access for all sectors of the community to opportunities for homes and livelihoods, natural and historic resources, health,</p>	<p><b>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><b>Policy MT1 – Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate the following principle</p>

<p><b>I. New Public Rights of Way linking to existing and new networks and</b></p> <p><b>II. 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></p>	<p>recreation, amenity, education, and facilities and services;</p> <p><b>T6 Walking</b></p> <p>Development proposals should:</p> <ol style="list-style-type: none"> <li>1. acknowledge the individual and network value of existing walking routes and, where appropriate, provide new and improved links and infrastructure that enhance network capacity and encourage more journeys on foot, especially to workplaces, educational establishments, public transport nodes and other community facilities;</li> <li>2. demonstrate that the strategic and/or local significance of walking routes through proposed development sites has been taken into account, especially in determining standards of provision including width, surfacing, signing and lighting;</li> <li>3. respect the utility, convenience, recreational value, attractiveness and historical significance of any designated public right of way;</li> <li>4. seek reasonably direct and convenient alignments for those new or improved walking routes that predominantly serve utility trips;</li> <li>5. identify, with reference to the definitive map, the precise alignment and means of safeguarding of any public right of way, as well as the standard of any works to be carried out on the route;</li> </ol>	<p>requirements covering movement and transportation:</p> <ol style="list-style-type: none"> <li>5. 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;</li> <li>6. 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.</li> </ol>
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	<p>6. demonstrate that the needs of disabled people have been taken into account in the design of new or improved walking routes; and</p> <p>7. ensure that the legal alignment of any public right of way is kept open and usable during development works.</p> <p>Development proposals that involve the extinguishment or diversion of a public right of way, or closure of any other type of established walking route, will not be permitted unless an alternative route of at least equal utility value can be provided on, or conveniently near to, the proposal site. The onus of demonstrating no net loss of value will be placed on applicants, in consultation with and to the satisfaction of the highway authority.</p> <p>The creation of new public rights of way, permissive links, roadside footways and other forms of walking route will be supported where they add to the utility of the network, including providing missing links in otherwise continuous routes.</p> <p><b>T7 Cycling</b></p> <p>Development proposals shall wherever possible incorporate safe, direct, coherent, convenient and attractive cycle routes and associated facilities, taking full advantage of links to the existing or planned cycle route network and/or to major journey attractors including educational establishments, retail centres, public transport</p>	
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	<p>interchanges, leisure facilities and workplaces. The requirement for such provision and facilities may include related improvements to roads and junctions, cycle priority measures and the provision of convenient, safe and secure cycle parking.</p> <p>New cycle routes will be developed within the Plan period towards establishing a County-wide network. Off-highway routes will generally be for shared use with walkers.</p>	
<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 permitted when it meets all the following criteria:</b></p> <p><b>I. Is suitable in terms of size, layout, access, parking, design and landscaping</b></p> <p><b>II. Does not harm the amenity of nearby occupiers</b></p> <p><b>III. Does not harm the character, appearance or environment of the site and its surroundings</b></p> <p><b>IV. Has adequate access</b></p>	<p><b>E5 Safeguarding employment land and buildings</b></p> <p>Proposals which would result in the loss of existing, permitted or proposed employment land and buildings to non-employment uses will only be permitted where:</p> <ol style="list-style-type: none"> <li>1. there would be substantial benefits to residential or other amenity in allowing alternative forms of development, and the site or premises concerned can be shown to be unsuitable for other employment uses, including consideration of mitigation measures. Where such proposals are permitted, an alternative site should be found for the relocation of any existing businesses; or</li> <li>2. in the case of proposals incorporating elements of retail use, this is restricted to a minor or incidental activity associated with an otherwise acceptable Part B or other employment generating use.</li> </ol>	<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), will be permitted where criteria are met.</p> <p><b>RA6 Rural economy</b></p> <p>Employment generating proposals which help diversify the rural economy in rural areas such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported where they are of an appropriate scale for their location, accessible by a choice of transport modes and of a form which</p>

<p><b>V. Retains and enhances any built and natural features/areas that contribute to the amenity or biodiversity of the area and</b></p> <p><b>VI. Includes mechanisms to improve environmental performance to that of current best practice standards.</b></p> <p><b>Redevelopment or change of use of existing employment premises will only be permitted when:</b></p> <p><b>VII. The employment premises have been empty for a 6 months or more and during that time actively marketed without securing a viable alternative employment use or</b></p> <p><b>VIII. Equivalent, or better, provision is made, elsewhere within the parish, to replace the proposed loss of local employment space.</b></p>	<p><b>E11 Employment in the smaller settlements and open countryside</b></p> <p>Proposals for rural businesses in the countryside should be of a scale consistent with their rural location and clearly related to the employment needs of the local economy. They should be located within or adjoining smaller settlements as defined by policy H6, or within the identified established employment areas in the open countryside; and cause no adverse impact upon the local environment, the road network or amenity. New development will only be permitted where it can be demonstrated that there are no opportunities for the re-use or adaptation of existing buildings, and should be sited unobtrusively.</p> <p>Within the open countryside, away from smaller settlements or the identified established employment areas, proposals for employment generating uses will be permitted where:</p> <ol style="list-style-type: none"> <li>1. the development is required for the essential operation of agriculture, forestry or the winning of minerals; or</li> <li>2. the proposal is for a farm diversification project in accordance with policy E12; or</li> <li>3. the proposal provides for the re-use of a rural building in accordance with policies HBA12 and HBA13.</li> </ol>	<p>protects and respects the environmental and landscape quality.</p> <p><b>MT1 Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate various principle requirements covering movement and transportation.</p>
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	<p>In the open countryside large scale development for employment uses will not be permitted. All proposals should be in accordance with policy E8.</p> <p><b>E12 Farm diversification</b></p> <p>Proposals enabling the diversification of farm businesses into other forms of income generation including non-agricultural activities will be permitted where:</p> <ol style="list-style-type: none"> <li>1. the proposal is consistent in scale with its rural location, serving to retain the open character of the countryside; and</li> <li>2. use is made of existing buildings, in accordance with policies HBA12 and HBA13, and developed areas wherever possible, with any new development of a scale and design which is appropriate to its rural surroundings.</li> </ol>	
<p><b>Policy BR13 – New local employment opportunities</b></p> <p><b>The development of new local employment opportunities will be permitted within the Neighbourhood Development Plan area providing that they:</b></p>	<p><b>E11 Employment in the smaller settlements and open countryside</b></p> <p>Proposals for rural businesses in the countryside should be of a scale consistent with their rural location and clearly related to the employment needs of the local economy. They should be located within or adjoining smaller settlements as defined by policy H6, or within the identified established employment areas in the open countryside; and cause no adverse impact upon the local</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), will be permitted where criteria are met.</p>

<p><b>I. Do not have a detrimental impact on surrounding residential amenity</b></p> <p><b>II. Do not lead to the loss of open space or green infrastructure</b></p> <p><b>III. Are located close to existing highways and do not have an unacceptable impact on traffic and</b></p> <p><b>IV. Are sustainable.</b></p>	<p>environment, the road network or amenity. New development will only be permitted where it can be demonstrated that there are no opportunities for the re-use or adaptation of existing buildings, and should be sited unobtrusively.</p> <p>Within the open countryside, away from smaller settlements or the identified established employment areas, proposals for employment generating uses will be permitted where:</p> <ol style="list-style-type: none"> <li>1. the development is required for the essential operation of agriculture, forestry or the winning of minerals; or</li> <li>2. the proposal is for a farm diversification project in accordance with policy E12; or</li> <li>3. the proposal provides for the re-use of a rural building in accordance with policies HBA12 and HBA13.</li> </ol> <p>In the open countryside large scale development for employment uses will not be permitted. All proposals should be in accordance with policy E8.</p> <p><b>E12 Farm diversification</b></p> <p>Proposals enabling the diversification of farm businesses into other forms of income generation including non-agricultural activities will be permitted where:</p>	<p><b>RA6 Rural economy</b></p> <p>Employment generating proposals which help diversify the rural economy in rural areas such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported where they are of an appropriate scale for their location, accessible by a choice of transport modes and of a form which protects and respects the environmental and landscape quality.</p> <p><b>MT1 Traffic management, highway safety and promoting active travel</b></p> <p>Development proposals should incorporate various principle requirements covering movement and transportation.</p>
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	<p>1. the proposal is consistent in scale with its rural location, serving to retain the open character of the countryside; and</p> <p>2. use is made of existing buildings, in accordance with policies HBA12 and HBA13, and developed areas wherever possible, with any new development of a scale and design which is appropriate to its rural surroundings.</p>	
<p><b>Policy BR14 – Tourism development</b></p> <p><b>Proposals that contribute to the visitor economy and new visitor accommodation will be encouraged by the Neighbourhood Development Plan subject to the following criteria:</b></p> <p><b>I. There is a need for the accommodation</b></p> <p><b>II. Potentially involve the conversion of an existing building where possible</b></p> <p><b>III. No detrimental impact on surrounding residential amenity</b></p> <p><b>IV. No loss of open space or green infrastructure</b></p>	<p><b>S8 Recreation, sport and tourism</b></p> <p>The provision of appropriate new or improved facilities for recreation, sport and tourism will be supported to meet the needs of local communities and visitors and to contribute to local economic development, employment and community regeneration.</p> <p><b>E12 Farm diversification</b></p> <p>Proposals enabling the diversification of farm businesses into other forms of income generation including non-agricultural activities will be permitted where:</p> <p>1. the proposal is consistent in scale with its rural location, serving to retain the open character of the countryside; and</p> <p>2. use is made of existing buildings, in accordance with policies HBA12 and HBA13, and developed</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:</p> <p>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;</p> <p>2. the development of sustainable tourism opportunities, capitalising on assets such as the county’s landscape,</p>

<p><b>V. Located close to existing highways and do not have an unacceptable impact on traffic</b></p> <p><b>VI. Display a high standard of design appropriate to the area</b></p> <p><b>VII. 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>Proposals to change the use of existing holiday accommodation to residential will be resisted unless the development satisfies the following criteria:</b></p> <p><b>VIII. It involves the change of use to a dwelling for identified local need and</b></p> <p><b>IX. 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</b></p> <p><b>X. Sufficient curtilage space can be provided without harming the setting of the building or the character of the surrounding landscape.</b></p>	<p>areas wherever possible, with any new development of a scale and design which is appropriate to its rural surroundings.</p> <p><b>RST1 Criteria for recreation, sport and tourism development</b></p> <p>Proposals for the development of new recreation, sport and tourist facilities including change of use or improvement or extension to existing facilities will be permitted where the proposal:</p> <ol style="list-style-type: none"> <li>1. is appropriate to the needs of the community which it serves, having particular regard to the nature of the use, mode of operation, scale and design;</li> <li>2. would not harm the amenity of nearby residents;</li> <li>3. respects environmental character and resources, including designated landscape, historic heritage, archaeology, biodiversity, and geological features and rights of way; and</li> <li>4. is wherever possible accessible by a choice of modes of transport, with priority given to public transport, walking and cycling, and is designed to ensure access for all.</li> </ol> <p>Proposals in the open countryside will only be permitted where the countryside is the primary resource for the proposal and the rural landscape and environment is sustained. In such instances new buildings will only be permitted where there</p>	<p>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;</p> <ol style="list-style-type: none"> <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 a high standard hotel with business and conferencing facilities in Hereford 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</li> </ol>
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	<p>are no suitable existing buildings capable of conversion, they are of a small scale and are ancillary to the primary proposal.</p>	<p>the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity; and</p> <p>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.</p>
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## **Be Compatible with EU Obligations**

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Herefordshire Council.

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.