

Staunton-on- Wye Neighbourhood Development Plan 2011-2031

Basic Conditions Statement



THE PURPOSE OF THE STATEMENT

Paragraph 8 of Schedule 4b to the Town and Country Planning Act 1990 (as amended) sets out basic conditions which Neighbourhood Development Plans must meet.

These are:

A draft order meets the basic conditions if -

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

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d) the making of the order contributes to the achievement of sustainable development,

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

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

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

HOW THE NEIGHBOURHOOD DEVELOPMENT PLAN CONFORMS

The Staunton-on-Wye Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan for its area. This was confirmed in a Neighbourhood Planning Notice issued by Herefordshire Council on 5th September 2012.

A Statement of Consultation has been prepared setting out the comprehensive process by which the Plan has been developed from the views of the community and representations from statutory consultees and others. The Statement demonstrates that the Plan fully accords with the requirements of regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

In the process of Plan formation full regard has been given to the National and Local Policy contexts (**see Appendix 1**) as well as and throughout contact has been maintained with the Herefordshire Council Neighbourhood Planning Team who have given guidance and comments on the drafting of emerging policies.

The Staunton-on-Wye Neighbourhood Planning Group were authorised by the Parish Council to proceed with the production of a Draft Plan which was made available to Herefordshire Council for the purposes of screening in relation to the Strategic Environmental Assessment and Habitats Regulations requirements and Herefordshire have produced reports on these matters which accompanied the Plan when it went out for consultation under Regulation 14 of the Neighbourhood Planning Regulations.

The Herefordshire assessment of the Draft Neighbourhood Plan can be found at **Appendix 2** with the conclusion that the Staunton-on-Wye Plan objectives and policies comply with the local plan and the NPPF and do not go over and above the Herefordshire Council Local Plan Core Strategy policies and therefore do not need any further

recommendations or changes in order to ensure no significant effect on protected sites.

The Herefordshire conclusions on the impacts of the Staunton-on-Wye policies on the River Wye Special Area of Conservation, which forms the southern border of the Parish, can be found at **Appendix 3**.

The Staunton-on- Wye Neighbourhood Development Plan conforms with the strategic policies contained in the development plan for the area, the Herefordshire Local Plan Core Strategy 2011-2031 adopted 16 October 2015. The response to the Regulation 14 consultation by Natural England pre-dates this adoption and this is reflected in the following comment, which was noted at the time of the consultation but is now superseded by the fact that the examination has taken place :

River Wye SAC is Herefordshire Core Strategy (Appendix to within the HRA). As stated earlier, as the Core Strategy is not adopted and may change at examination it cannot be relied upon as evidence that there will be no likely significance effect. The NP's HRA may however use the evidence supporting the Core Strategy's HRA to draw conclusions as to whether the policies in the plan will have significant effects on the River Wye SAC.

As part of their response Natural England recommended the inclusion of a policy excluding development within 100 metres of the SAC and this has been included in the final Plan. In addition the Staunton-on- Wye policies are wholly criteria based and do not include any land allocations. The policy criteria include environmental protection and requirement for 'green infrastructure' improvements which, it is contended, provide adequate measures guarding against significant effects on the SAC and other interests of acknowledged importance.

Appendices 5 and 6 detail Strategic Environmental Assessment and Hosing Commitment considerations respectively.

CONCLUSION

The Community of Staunton-on-Wye has responded energetically to the opportunity of creating a Neighbourhood Development Plan and it is considered that the Basic Conditions as set out in Paragraph 8 Schedule 4B to the Town and Country Planning Act 1990 have been met (**see Appendix 4**).

APPENDIX 1- POLICY FORMULATION

POLICY FORMULATION

General

National Planning Policy Framework 2012.

Herefordshire Unitary Development Plan 2007

Herefordshire Council Core Strategy Objectives 2013.

Herefordshire Local Plan Core Strategy 2011-2031 16 October 2015

Environment

Core Strategy Policies SD3-Sustainable Water Management, LD2-Biodiversity and Geodiversity, LD3- Green Infrastructure.

Housing

Core Strategy Policies: RA1, RA2, RA3, H1, H2, H3, LD3

Local Affordable Needs Survey- Staunton on Wye, March 2010 (includes Norton Canon).

Herefordshire Update to Local Housing Market assessment, March 2012/November2013.

Herefordshire Affordable Housing Viability Study, February 2012.

Herefordshire Local Plan-Core Strategy, Rural Housing Background Paper, March 2013.

Business and Employment

Core Strategy Policies: E1, E2, E3, E4, RA3, RA5, RA6, SS5, LD3.

Herefordshire Employment Land Study, 2012.

Community Facilities

Core Strategy Policies: SC1, OS1, OS2, OS3.

Design Principles

Core Strategy Policies: RA4, RA5, LD1, LD2, LD4, SD1, SD2.

Old School and Conservation Area

Core Strategy Policy: LD4

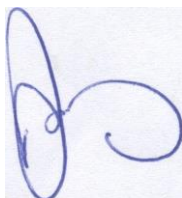
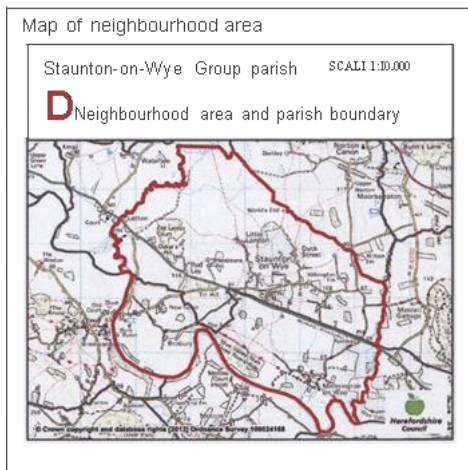
HEREFORDSHIRE DESIGNATION

The Neighbourhood Planning (General) Regulations 2012

Herefordshire Council has APPROVED, under Article 7 of the above Regulations the following neighbourhood area:-

Neighbourhood Area Name: Staunton-on-Wye Group Relevant body is:
Staunton-on-Wye Group Parish

The neighbourhood area is identified on the attached map:



ANDREW ASHCROFT

ASSISTANT DIRECTOR ECONOMY ENVIRONMENT AND CULTURAL SERVICES

Date: 5th September 2012

APPENDIX 2- Herefordshire Assessment of neighbourhood plan policies and alternatives

Listed below are the Neighbourhood Plan policies for Staunton on Wye.

NDP Policy- SOWH 1-New Housing development- Staunton-on-Wye Village

NDP Policy- SOWH2-New Housing or other Residential Accommodation in Staunton Conservation Area

NDP Policy- SOWH3-Affordable Housing

NDP Policy- SOWH4-Rural Exceptions Housing (Non affordable)

NDP Policy- SOW B1-Retail Development

NDP Policy- SOWB2-Expansion of Existing (Non agricultural) Businesses

NDP Policy- SOWB3-Agricultural/ Horticultural Diversification and Expansion

NDP Policy- SOWB4-Poly tunnel Development

NDP Policy- SOWB5-Change of Use

NDP Policy- SOWB6-New Business Enterprises

NDP Policy- SOWC1-Retention of existing Community Facilities

NDP Policy- SOWC2-Retention and Extension of Recreational and Community Facilities

NDP Policy- SOW D1-Change of Use (Design Principles)

NDP Policy- SOWD2-New Building

NDP Policy- SOWE-Development and Design Principles.

5.1 Overall within stage B1 the majority of the NDP objectives have met SEA objectives, and the rest had either a neutral compatibility with the different objectives, had no relationship with the SEA objective or if needed further information such as location of development.

5.2 B2 measured SEA objectives against the baseline with the NDP policies. The majority of the NDP policies have a positive effect as the policies are mainly criteria based which is requesting that potential development adhere to each of the criteria, therefore most development will be considered on a case by case basis.

However as there are development policies within the NDP, that have a restriction of how many units are allowed to be developed. This will affect the scale of the environmental impact for each development, and each development proposed should be considered on a case by case basis. The policies listed within Staunton-on-Wye NDP are criteria based policies that state criteria that development should adhere to, rather than policies that states where and how much development is required.

5.3 The results show that the cumulative impact is generally positive as well as of neutral impact. The majority of the policies will have a neutral impact as the development objectives proposed are balanced with sustainable policies to minimise environmental impact. There are also a lot of uncertain effects from new development as it this depends on the scheme itself and is likely to understand a developments true impact on a case by case basis. The results in B1 and B2 were followed by a summary, conclusion and general conclusions across objectives and recommendations. B3 results were similar to B2, NDP objectives were mostly neutral and move towards the SEA baseline.

5.4 Within Table B3, the results show that the cumulative impact over the time scale is generally positive.

Although the development policies indicate that in the short term there may be a neutral or negative on impact due to the development works that would be undergoing, but within the middle and long term the effects often turn positive due to the criteria in additional NDP policies that provide mitigation methods against the development. Therefore the majority of the policies will be balanced with sustainable policies to minimise environmental impact. There are uncertain effects from new development as it this depends on the scheme itself and is likely to understand a developments true impact on a case by case basis.

5.5 Within the B4 assessment which identified the cumulative effects of the Plan's policies it was highlighted that the policies contained in the Staunton-on-Wye Plan are not over and above the Core Strategy, therefore the cumulative effect will not exceed that of the Core Strategy Policies which have also been subject to a full Sustainability Appraisal.

5.6 Environmental issues and problems in the Neighbourhood Area that could arise from the Staunton-on-Wye Plan could include the loss of some good quality agricultural land as it is Grade 1 and 2 around Staunton-on-Wye. Although the River Wye SAC runs along the borders with Brobury in the south of the Parish/Neighbourhood Area it is unlikely that there will be a significant impact upon its quality as the scale of housing within the villages will not exceed the indicative targets set out in policy RA1 of the Herefordshire Core Strategy.

5.7 Mitigation measures have been included within the HRA assessment. The mitigation areas is mostly within design and conservation polices this may help balance out development as well as the restriction of numbers for proposed housing development. Protection, enhance and provide additional open space objective, will help conserve and enhance biodiversity within the parish. This should help to provide mitigation against the potential adverse impacts from new development.

6 Summary of recommendations for the Neighbourhood Development Plan

6.1 The Staunton-on-Wye plan objectives and policies comply with the local plan and the NPPF, they do not go over and above the Herefordshire Council Local Plan Core Strategy policies and therefore do not need any further recommendations or changes in order to ensure no significant effect on protected sites.

7 Monitoring and implementation

7.1 Herefordshire Council as the local planning authority should make arrangements to monitor the significant effects of implementing a neighbourhood plan. Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires the local planning authority to monitor the significant environmental effects of the implementation of the neighbourhood plan that was subject to a Strategic Environmental Assessment, to identify unforeseen adverse effects at an early stage and to enable appropriate remedial actions.

7.2 The monitoring results will be reported in Herefordshire Council's Annual Monitoring Report each year, which runs from 1st April – 30th March, and will be published on the Council's website.

8 Next Steps

8.1 This draft Environmental Report will be published alongside the Staunton-on-Wye Draft Neighbourhood Plan for the formal consultation period in order to meet the requirements of Regulation 14 of the Neighbourhood Planning Regulations 2012, for a period of 6 weeks. This consultation will be for all members of the community who live, work or have an interest in the Parish as well as Statutory Stakeholders and the relevant technical stakeholders.

8.2 Following this consultation the results and comments will be reviewed, this may require changes to both the Draft Neighbourhood Plan and Environmental Report prior to submitting the Final Plan to Herefordshire Council.

APPENDIX 3- Herefordshire conclusions from the Screening Matrix

8.1 None of the Staunton-on-Wye Plan policies (September 2014) were concluded to be likely to have a significant effect on the River Wye SAC. Based on assumptions and information contained within the Staunton-on-Wye Plan, Herefordshire Core Strategy and the Presubmission version of the HRA for the Core Strategy all of the NDP policies were found to be unlikely to result in significant effects on the River Wye SAC.

8.2 In many cases this is because the policy itself would not result in development, i.e. it related instead to criteria for development. In a number of cases the policies also included measures to help support the natural environment including biodiversity. Also to conserve community facilities and heritage, and therefore no significant effect conclusion could be reached. In addition, these policies have the potential to mitigate some of the possible adverse effects arising from other policies.

8.3 For those policies that were referring to potential development this could potentially have some impact upon the River Wye SAC, it was determined that due to the location of these sites, i.e. not directly on the River Banks or adjacent to a watercourse that feeds into the River, and due to the scale of the sites for homes and businesses being small (no larger than 3 dwellings per plot and retail development under 80sqmeters) and at the scale of growth that is required by the Herefordshire Core Strategy and no more, that these sites would not have an appreciable effect on the River Wye SAC, i.e. that they were not likely to be significant.

8.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Sewerage Treatment works serving the Kington area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.

8.5 It is unlikely that the Staunton-on-Wye Plan will have any in-combination effects with any Plans from neighbouring authorities due to the level of growth proposed is of the same that is proposed for the Kington Housing Market Area in the Herefordshire Core Strategy and all of the proposed housing and retail sites will be of a small scale.

8.6 It is therefore concluded that the Staunton-on-Wye Neighbourhood Plan will not have a likely significant effect on the River Wye SAC.

8.7 Any further amendments to the policies (post September 2014) will be rescreened if required and an addendum to this report will be produced.

APPENDIX 4- Satisfaction of Basic Conditions

The basic conditions are set out in paragraph 8(s) of Schedule 4B to the Town and Country Planning Act (1990), as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act (2004).

Basic Condition	Meets the Basic Conditions	Comments
Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Development Plan.	Yes	The Plan has regard to the NPPF throughout the Plan and its policies.
The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development	Yes	The topic of sustainable development is weaved throughout the Plan within the Policies demonstrating how to encourage sustainable development throughout the future growth across the Parish.
The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority	Yes	See Planning Policy comments regarding some minor wording changes to ensure full compliance with the Core Strategy Local Plan.
The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations.	Yes	The Environmental Regulations have been met due to the SEA and HRA submitted alongside the Draft Plan. No Human Rights will be adversely affected by the draft policies within this Plan.
Prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.	Yes	Specific policies within the Plan ensure that the listed buildings within the Parish and Conservation Area is preserved and enhanced. The NDP has met all of the Neighbourhood Planning Regulations up to this Regulation 14 stage.

APPENDIX 5

Strategic Assessment and Environmental Scoping

All Neighbourhood Development Plans need to be assessed in terms of their sustainability and potential social, economic and environmental impacts. This is undertaken by way of Strategic Environmental Assessment scoping which involves a review of available baseline information, setting an appropriate assessment framework, objectives, indicators and targets and reviewing the Neighbourhood Development Plans against these and other relevant policies, plans and programmes.

The Neighbourhood Plan area includes the Wye Valley Special Area of Conservation designated as of international importance and has also required screening under the Habitat Regulations.

Hereford Council, as Local Planning Authority have undertaken a scoping exercise for Staunton-on-Wye Parish which has incorporated national consultee responses.

The draft policies presented in the Plan have been assessed against the relevant international, national and local plans, policies and frameworks detailed in the scoping exercise and are considered to be in conformity with these.

In so far as the need to provide accommodation for Gypsies and Travellers is concerned there is no evidence of any demand in the Parish and no policy or allocation has been offered in this respect.

Given the approach offered in the Neighbourhood Plan, which does not include the allocation of sites for development or spatial designations but, rather, offers policies with inherent environmental safeguards, it is considered that there is conformity with the Core Strategy and the environmental objectives identified in the scoping exercise.

This has now been confirmed in the Environmental Report and Habitats Regulations Assessment produced for Staunton-on-Wye by Herefordshire Council (2014) and these documents formed part of the consultation procedure under the Neighbourhood Planning Regulations 2012 (regulation 14).

Whilst it has been pointed out by Natural England in their consultation response that, because the Herefordshire Core Strategy has not yet been adopted, its assessment of in-combination effects cannot be wholly relied on it is contended that there will be no significant effects in combination such that there will be a breach of the Habitats Regulations for the following reasons:

- 1) The plan is criteria based and there are no land allocations within it.
- 2) The policy criteria offer sufficient safeguards with respect to the SAC and other designated areas

APPENDIX 6

Staunton-on-Wye Housing Commitments

In order to assess the ability of the plan to deliver the housing targets set in the Core Strategy all planning permissions granted for housing development in the parish since 2011 (including one granted previously but not commenced) have been recorded here with decision dates.

DCNW2007/1553/F. Rhyddwr Farm. ONE DWELLING DIVIDED INTO TWO. 13/07/2007.

N113525/F. Cherry Lyn. ERECTION OF DWELLING. 17/02/2012.

N123463/F. Land adjacent to New Inn. ERECTION OF DWELLING. 3/04/2013

N121940/O. Bliss House. ERECTION OF 11 HOUSES (7 open market/4 affordable) 7/11/2012.

132629/F. Standale. ERECTION OF DWELLING. 11/12/2013.

132304/F. Rear of White House. ERECTION OF 2 DWELLINGS. 11/12/2013.

140125/F. Land adjacent to Oakchurch Farm Shop. ERECTION OF DWELLING. 27/02/2014.

141170. Kilkington Manor. CONVERSION OF GRANARY TO DWELLING. 15/09/2014

142044. The Rucketts. DETACHED DWELLING. 18/09/2014

150778/O. Land at the Gables. OUTLINE: ONE DWELLING. 26/06/2015

In addition the following close care and nursing home consents were granted at the Old School:

P/133440/F-14 CLOSE CARE UNITS. 23/04/2014.

P/133344/L-70 BED NURSING HOME/23/04/2014.