

# Pembridge Neighbourhood Development Plan Basic Conditions Statement (May 2018)

## Section 1 - Introduction

This **Basic Conditions Statement** is prepared to accompany the **Pembridge Neighbourhood Development Plan**.

It is submitted by Pembridge Parish Council, which is the qualifying body under the Localism Act 2011. Pembridge Neighbourhood Development Plan covers the Pembridge Neighbourhood Plan area only and no other Neighbourhood Plan areas. The Local Plan for the Parish is the Herefordshire Local Plan Core Strategy (HCS) which was adopted on 16 October 2015. Herefordshire Council has also indicated it will prepare a Travellers Development Plan and a Natural Resources/Minerals and Waste Development Plan. It is expected that, in combination, these will comprise the Development Plan Documents for Pembridge Parish. The NDP specifies the period for which it is to have effect, which is 2011-2031.

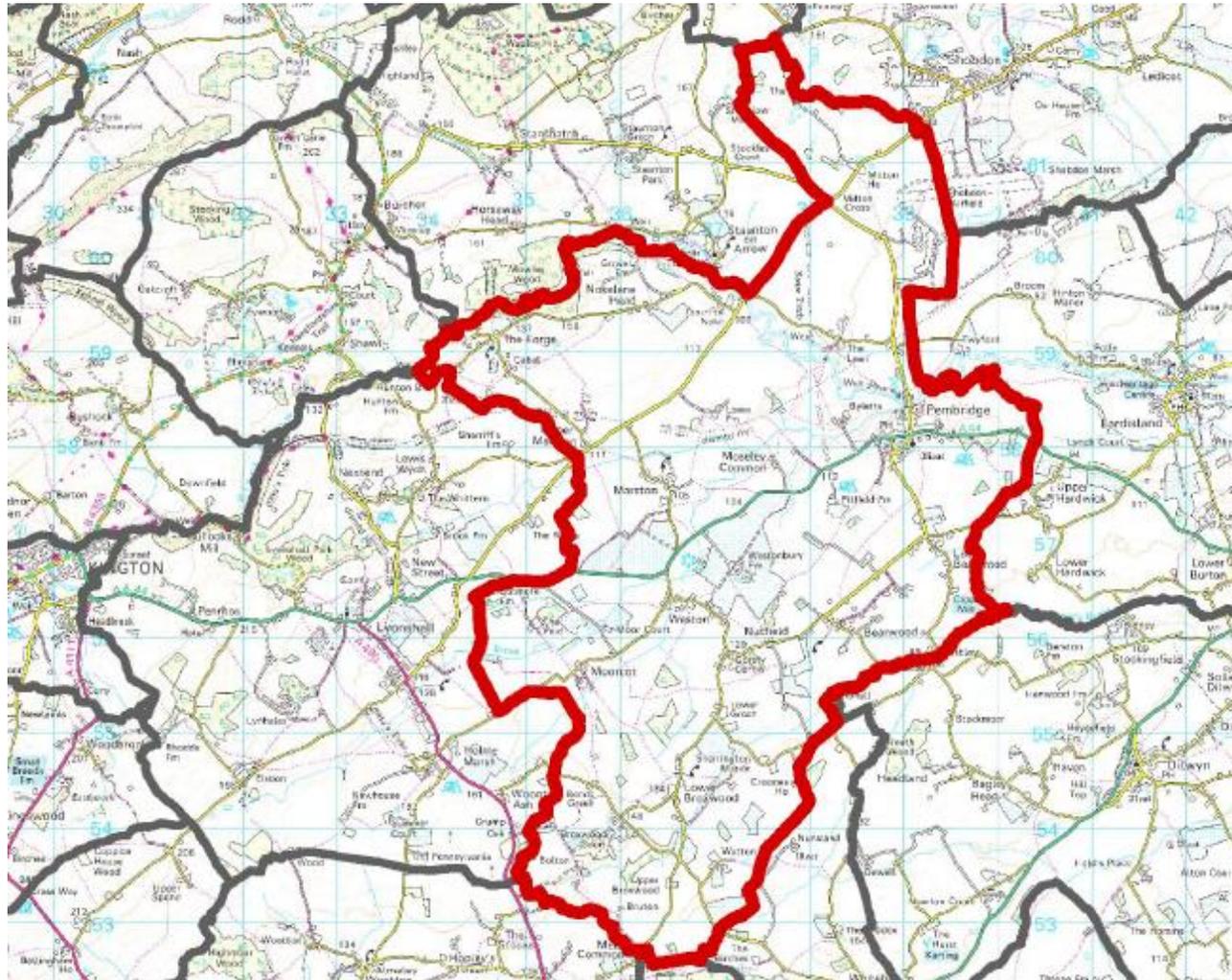
This Basic Conditions Statement has been prepared to show that the Pembridge Neighbourhood Development Plan complies with the provisions of Schedule 4B of the Town and Country Planning Act 1990, as amended. The basic conditions required by this provision are that:

1. 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.
2. Plans should contribute to the achievement of sustainable development.
3. Plans should be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
4. Plans should not breach, and is otherwise compatible with, EU obligations.
5. 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. In this regard so far as they

affect this neighbourhood plan, the prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012).

The first three matters are covered within the schedules in sections 2 and 3 of this document. The fourth and fifth matters are covered in section 4.

**Figure 1 –Pembridge Neighbourhood Plan Area**



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**Figure 2 - Location of Pembridge Parish within Kington Housing Market Area.**



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## Section 2 – Contribution to the Achievement of Sustainable Development

Sustainable development – Core Planning Principles of the NPPF	Pembridge Neighbourhood Development Plan Provisions
Genuinely plan-led empowering local people through a positive local vision, based on co-operation to address larger issues.	The community contributed to the preparation of the Neighbourhood Plan at a number of stages, and their views and comments were all given serious consideration. Events and surveys were undertaken to seek views. This included a stage which involved setting a vision and objectives for the plan and the consideration of options. A positive approach has been taken to accommodating housing and other forms of development which the Herefordshire Local Plan Core Strategy has determined for Pembridge village despite a number of significant constraints. Herefordshire Local Plan Core Strategy does not set out any proposals for major development within the Parish, but the Parish Council is aware, in particular, that they must contribute towards ensuring that the historic and natural environments are properly conserved, both for reasons of local and national importance. The extent of community involvement is set out in greater detail within the Consultation Statement.
Be creative in finding ways to enhance and improve places where people live.	The Plan shows how it has accommodated more than the minimum target for new housing; how development should ensure the character and appearance of Pembridge village and its surrounding area are to be retained and enhanced; and the protection of amenity. These are important priorities identified by the community.
Proactively drive and support sustainable economic development, delivering homes, business and industrial units, infrastructure, and thriving local places, taking account of market signals	The Plan provides flexibility to support the local economy where this is in scale with the rural nature of the Parish complementing Herefordshire Local Plan Core Strategy policies. The Core Strategy approach relies upon ensuring such development is in scale with and does not adversely affect the local character. The NDP recognises that issue of scale needs to be determined in terms of cumulative effect and this is critical for a number of reasons. In this regard the plan recognises there are a number of major constraints, in particular the capacity of the local highway network and the need to protect water quality. Protecting local and residential amenity are also particularly important to sustainable development and is an issue to be addressed for certain industrial sectors within the Parish. Specific provision is made for development on that part of Shobdon Airfield that falls within the Parish and used for business, with provisions made to ensure any expansion provides appropriate safeguards.
Always seek high quality design and good standard of amenity.	Policies in the NDP place particular emphasis upon ensuring the rural character of the Parish, and these will work in association with Herefordshire Local Plan Core Strategy's local distinctiveness and sustainable design policies. Policies include ensuring that the character and appearance Pembridge Conservation Area are preserved or enhanced. Criteria have been set that would promote high standards of architecture and sustainable design for residential development.
Take account of different roles and character of different areas, promoting vitality, the beauty of the countryside and supporting thriving rural communities.	The Plan supports the needs of residents for housing and employment which are necessary for a thriving community while seeking to protect not just the character of the village but also the high-quality landscape character and quality of its surrounding countryside. The plan combines with Herefordshire Local Plan Core Strategy to support economic prosperity, social progress and the locally distinctive environmental qualities of the parish.

Support transition to a low carbon future, considering flood risk, re-use of resources and encouraging renewable resources	The community recognises the importance of addressing climate change. The plan avoids proposals within the areas considered to be at risk of flooding. Provision is made for other appropriate environmental safeguards, the promotion of sustainable design and the sensitive promotion of renewable and low carbon energy.
Conserving and enhancing the natural environment and reducing pollution; using land of lesser environmental value.	These elements are seen as very important, having a high priority by the local community. Policies in the NDP seek to protect and enhance the landscape and natural environment and will supplement Herefordshire Local Plan Core Strategy local distinctiveness policies. Policies seek to address potential pollution which are considered a particular concern within the Parish. Sites proposed in the NDP have been assessed against a range of relevant environmental criteria, including that relating to agricultural land quality.
Encourage effective use of land by re-using brownfield land where environmentally acceptable.	Housing development requirements have been met through a substantially number of housing allocations set out in the plan. There are limited brownfield site opportunities available but where they are, this has been utilised. Growth and expansion of local businesses is expected to result predominantly from the conversion of rural buildings to workshops and appropriate tourism enterprises where this is environmentally acceptable, to be of appropriate scale and not to affect local amenity, including through the provisions of policies in Herefordshire Local Plan Core Strategy. Similar safeguards relate to expansion of business premises on that part of Shobdon Airfield that fall within the parish.
Promote mixed use and encourage multiple benefits from the use of land.	There are limited development needs that would require mixed developments and Pembridge accommodates a range of services and facilities such as a primary school, village shops and village hall and village play/recreation area. The location in relation to Hereford and the market towns of Kington and Leominster reduces the viability of many services and other land use needs that might be accommodated through a mixed-use scheme.
Conserving heritage according to significance and to contribute to quality of life.	Support is given to this objective through the character analysis of the Pembridge village incorporating an approach promoted by Historic England and incorporates work undertaken by the local planning authority. The character analysis and inclusion of appropriate criteria for the range of heritage assets present within policies will support Herefordshire Local Plan Core Strategy policies LD3 and LD4.
Manage pattern of growth to make fullest use of sustainable transport measures and focus significant development in locations that are or can be made sustainable.	The Plan has little opportunity to contribute in any meaningful way to this objective. The matter has to be addressed at the strategic level and it is assumed that Herefordshire Council's rural development strategy and policies provide support for this objective through the levels of development being promoted in rural communities. A number of broad initiatives are however referred to as requested by Herefordshire Local Plan Core Strategy policy SS4.
Support local strategies for improving health, social and cultural well-being	The Plan can only address a limited number of such matters given its sparse rural nature. Support is given to efforts to retain and expand local services and facilities, and Pembridge Millennium meadow and other areas are protected as Local Green Space partly in view of their value to recreation, play and informal leisure.

## Section 3 – Compliance with the NPPF and Herefordshire Core Strategy

National Planning Policy Guidance Provision	Relevant Herefordshire Core Strategy Policy/Requirement	Pembridge Neighbourhood Development Plan (NDP) Policy /Approach NDP Policies and references are presented <b>in bold</b>
<b>Achieving Sustainable Development – Place Shaping Approach</b>		
<p>Set out a positive vision for the future of the area (NPPF para 17, bullet 1).</p> <p>Neighbourhood plans should develop a shared vision for their neighbourhood (NPPF para 183 - 185).</p> <p>There should be a presumption in favour of sustainable development (NPPF para 11 – 16).</p>	<p><b>Vision for the County</b>  <i>“Herefordshire will be a place of distinctive environmental, historical and cultural assets and local communities, with sustainable development fostering a high quality of life for those who live, work and visit here. A sustainable future for the county will be based on the interdependence of the themes of social progress, economic prosperity and environmental quality with the aim of increasing the county’s self-reliance and resilience”.</i></p> <p><b>(Policy SS1 - extract)</b> When considering development proposals take a positive approach that reflects the presumption in favour of sustainable development. Always work proactively to find solutions so that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions.</p> <p>Planning applications that accord with the policies in this Core Strategy and, Neighbourhood Development Plans will be approved, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application then permission will be granted unless material considerations indicate otherwise -taking into account whether:</p> <p>a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against national policy taken as a whole; or  b) specific elements of national policy indicate that development should be restricted.</p>	<p>The NDP (<b>Section 4</b>) sets out a positive vision for the Parish, supported by a number of objectives addressing the core planning principles set out in the NPPF and those sustainability objectives specifically relevant to the Parish. This is a shared vision following consultation with and endorsement by the community.</p> <p><b>Policy PEM1</b> sets out high level sustainable development priorities forming the basis of the strategy for the Parish, complementing HCS policy SS1 and ensuring the plan aligns with the strategic needs and priorities of the wider local area (NPPF para 184). It seeks development that complies with a range of elements set out in an integrated policy consistent with those sustainable development objectives that are promoted in the NPPF and HCS and which are considered most relevant to the community. It is considered that the provisions in this policy do not conflict with but contribute positively to the sustainable development requirements of the NPPF paragraphs 6-10 and 14-17 and HCS Policy SS1.</p>

## Achieving Sustainable Development – Economic Role

**Building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places and at the right time; and by identifying and co-ordinating development requirements including the provision of infrastructure.**

### Building a strong Competitive Economy

Set out a clear economic vision and strategy to positively and proactively encourage sustainable economic growth, to meet development needs of business, address potential barriers to investment and support an economy fit for 21st century. (NPPF paras 18-21).

Provide strategic sites for inward investment to meet anticipated needs (NPPF para 21, bullet 2).

Support existing business sectors (including expansion or contraction) planning for new or emerging sectors (NPPF para 21, bullet 3).

Plan for employment/business clusters or networks of knowledge driven, creative or high technology industries (NPPF para 21, bullet 4).

Identify and plan for priority areas for economic regeneration, infrastructure provision and environmental enhancement (NPPF para 21, bullet 5).

Facilitate flexibly working practices such as live/work units (NPPF 21, bullet 6).

Avoid long term protection of sites allocated for employment where

**(Policy SS5 - extract)** Safeguard existing higher quality employment land from alternative uses. New strategic employment land and smaller scale employment sites will be delivered through the plan period. Development of the more traditional employment sectors such as farming and food and drink manufacturing will be supported. The diversification of the business base, through the development of knowledge intensive industries, environmental technologies and creative industries as well as business hubs, live-work schemes and the adaptive design of residential development, will be facilitated where they do not have an adverse impact on the community or local environment. The provision of high speed broadband to facilitate diversification will be supported.

**(Policy E1 –Extract)** The focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Larger employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where: the proposal is appropriate in terms of its connectivity, scale, design and size; the proposal makes better use of previously developed land or buildings; the proposal is an appropriate extension to strengthen or diversify an existing business operation. The provision of viable live/work units as part of mixed use developments will also be encouraged.

**(Policy E2 – Extract)** Employment land and buildings rated as ‘best’ and ‘good’ using the methodology in the *Employment Land Study 2012* (or successor document) will be safeguarded from redevelopment to other non-employment uses. Proposals which would result in the loss of employment land rated as ‘moderate’ will be permitted where:

The NDP sets two objectives to support and encourage employment and economic development, one of which refers to the need for this to be of an appropriate scale, while the other recognises there are a number of larger operations in particular locations resulting from historical development.

The two objectives have been taken forward as part of an overall strategy through **Policy PEM1 b)**.

**Policy PEM8** covers the reuse of rural buildings and brownfield land for employment uses. This is supported by a range of specific policies that cover the issue of scale and industrial sectors. These cover working from home (**Policy PEM9**), agricultural diversification and tourism enterprises (**Policy PEM10**), supporting infrastructure such as broadband and telecommunications (**Policy PEM12**) and renewable and low carbon energy (**Policy PEM14**). More specific policies to address issues particularly pertinent to the parish address Intensive Livestock Units (**Policy PEM11**) and development on Shobdon Airfield which has become a major employment area within North-West Herefordshire (**Policy PEM13**). These are considered consistent with the NPPF and HCS (NPPF para 21; HCS policy SS5, E1 and E2).

<p>there is no reasonable prospect of it being used. (NPPF para 22).</p>	<ol style="list-style-type: none"> <li>1. the development of the site for other uses would not result in an overall shortage in the quality and quantity of employment land supply in the area; or</li> <li>2. there would be a net improvement in amenity through the removal of a nonconforming use from within a residential area, and where an alternative use would offer amenity benefits. For sites in existing employment use, consideration should also be given to the ability to relocate existing occupiers where this is necessary; or</li> <li>3. the proposal would not result in a piecemeal loss of employment land where there is potential for a more comprehensive scheme;</li> </ol> <p>In all cases:</p> <ul style="list-style-type: none"> <li>-the viability of the development proposal must be confirmed through a comprehensive assessment; and</li> <li>-there must be evidence of appropriate and active marketing of at least 12 months for a change of use of a B Class employment use and it can be shown that this marketing has been unsuccessful.</li> </ul> <p>The provision of ancillary and complementary uses which help meet the day-to-day needs of employment sites and their employees and improve the sites' attractiveness to businesses, will be permitted where they are of a scale which does not impact on the overall supply of employment land.</p> <p><b>(Policy E3 – Extract)</b> The value of home working will be recognised by allowing some material change of use to part of a dwelling, where the dwelling remains as the principle place of residence for the home worker; and recognising the potential to encourage and expand home working, by allowing small extensions or conversions where the proposed use and operation would be compatible with its location and heritage value, and where it would not adversely affect the amenity of the neighbourhood by any of the following:</p> <ul style="list-style-type: none"> <li>- changes to the appearance of any building;</li> <li>- noise disturbance from the use or any increased traffic and parking generated;</li> <li>- unsociable hours of operation; and</li> <li>- the storage of hazardous materials or emissions from the site.</li> </ul>	<p>The NDP therefore supports appropriate policies to promote economic growth set out in Herefordshire Core Strategy.</p> <p>Despite the presence of significant concentrations of employment on Shobdon Airfield, Herefordshire Local Plan Core Strategy does not identify any strategic location for employment land within the Parish. This may be because its potential to expand is limited by constraints such as access</p> <p>The NDP does not seek to restrict any proposals that would be permitted under Herefordshire Local Plan Core Strategy.</p> <p><b>Policies PEM9 and PEM10</b> encourages live/work units, home working and tourism enterprises of an appropriate scale to a rural area.</p> <p>HCS does not include any proposal to bring forward strategic employment sites, clusters or networks within the Parish. The Parish does not contain any sites identified as higher quality employment land or land falling within the best or good categories of the County's portfolio within the Employment Land Study.</p> <p>HCS policies are relied upon to support the development of local businesses in general through HCS Policy E1 provisions that support the diversification of the rural economy, with no distinction between traditional forms or those in new or emerging sectors, including high technology forms (NPPF para 21). The NDP policies cover</p>
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		<p>specific area and are considered to contain safeguards which do not extend beyond those expressed in the NPPF or HCS.</p> <p><b>Policies PEM8 and PEM10</b> support traditional employment sectors including farming, business diversification and new forms of related business provided they are in scale with the rural character of the area and do not have any adverse effect on the community (amenity), transport and environment (HCS policy SS5).</p> <p>Reliance is placed upon HCS policy E2 to avoid the unnecessary loss of business premises although <b>Policy PEM13</b> covers premises at Shobdon Airfield.</p> <p>The NDP in so far as it relates to economic development and the promotion of business is considered consistent with the provisions contained within the NPPF and HCS. The criteria which may restrict such development are similar to safeguarding provisions in both the NPPF and HCS and relate primarily to amenity, the environment and the capacity of the highway network.</p>
<p><b>Supporting a prosperous rural economy</b></p> <p>Assess the needs of the food production industry and any barriers to investment that planning can resolve (NPPF para 161, bullet 6).</p> <p>Promote growth and expansion of all types of businesses and enterprise through conversions and well-designed new buildings in rural areas (NPPF para 28, bullet 1).</p>	<p><b>(Policy RA5 – Extract)</b> The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, making a positive contribution to rural businesses and enterprise and support the local economy (including live work units) or which otherwise contributes to or is essential to the social well-being of the countryside, will be permitted where:</p> <ol style="list-style-type: none"> <li>1. design respects the character and significance of any redundant or disused building and demonstrates that it represents the most viable option for the long-term conservation and enhancement of any heritage asset affected, together with its setting;</li> </ol>	<p>Diversification of the rural economy is seen as a critical element of the Parish’s strategy with this made explicit within <b>Policy PEM1 b)</b></p> <p><b>Policy PEM8</b> supports the development of all types of local businesses utilising redundant rural buildings or brownfield sites, provided they are of an appropriate scale, which the policy defines through effect on a</p>

<p>Promote diversification and development of agriculture and other land based rural businesses (NPPF para 28, bullet 2).</p> <p>Promote provision and expansion of sustainable rural tourism, visitor facilities and leisure developments that respect the countryside (NPPF para 28, bullet 3).</p> <p>Promote the retention and development of local services and community facilities in villages (NPPF para 28, bullet 4).</p>	<ol style="list-style-type: none"> <li>2. design proposals make adequate provision for protected and priority species and associated habitats;</li> <li>3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts;</li> <li>4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and</li> <li>5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.</li> </ol> <p>Any planning permissions granted pursuant to this policy will be subject to a condition removing permitted development rights for future alterations, extensions and other developments.</p> <p><b>(Policy RA6 – Extract)</b> Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:</p> <ul style="list-style-type: none"> <li>- support and strengthen local food and drink production;</li> <li>- support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses.</li> <li>- involve the small-scale extension of existing businesses;</li> <li>- promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 -Tourism;</li> <li>- promote the sustainable use of the natural and historic environment as an asset which is valued and conserved;</li> <li>- support the retention of existing military sites;</li> </ul>	<p>range of factors. (NPPF para 28; HCS policies RA5, RA6 and E4).</p> <p><b>Policy PEM11</b> addresses the issue of intensive livestock units identifying the potential problems that may result from such units, both individually and their cumulative effect. The aim is to guide them to appropriate locations where they do not adversely affect residential amenity and to protect the natural environment. The latter is of particular concern within the County in that there is a need to protect water quality, and the consequences for biodiversity, especially the River Wye SAC and River Lugg SSSI, from diffuse pollution. DEFRA has advised that the regulatory regimes for these may not fully address the potential adverse effects and these should be dealt with at the planning application stage. <b>Appendix 1</b> to this statement sets out the reasons for this policy in greater detail.</p> <p><b>Policy PEM8</b> does not differentiate between forms of business and in that regard would support agricultural diversification, forestry or other rural enterprises (NPPF paras 28 and 161). A number of policies promote specific forms of employment uses and business and although these contain parameters within which development associated with may take place, these are there to protect amenity and the environment, are typical in that respect and do not extend beyond those expressed in the NPPF or HCS. Specific protection is provided to retain the character of the rural area with references to scale, traffic generation and amenity in addition to landscape character, protection of biodiversity and heritage assets. As</p>
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	<p>- support the retention and/ or diversification of existing agricultural businesses.</p> <p>Planning applications which are submitted in order to diversify the rural economy will be permitted where they;</p> <ul style="list-style-type: none"> <li>- ensure that the development is of a scale which would be commensurate with its location and setting;</li> <li>- do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;</li> <li>- do not generate traffic movements that cannot safely be accommodated within the local road network; and</li> <li>- do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.</li> </ul> <p><b>(Policy E4 – Extract)</b> Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county’s unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including:</p> <ol style="list-style-type: none"> <li>1. recognising the unique historic character of Hereford and the market towns as key visitor attractions and as locations to focus the provision of new larger scale tourist development</li> <li>2. the development of sustainable tourism opportunities, capitalising on assets such as the county’s landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county’s varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty;</li> <li>3. retaining and enhancing existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular, proposals for new hotels will be encouraged.</li> </ol>	<p>previously indicated these accord with both the NPPF and HCS. <b>These include Policies PEM10, PEM11, PEM12 and PEM 14.</b></p> <p><b>Policy PEM15</b> supports development that would enhance the viability of local services and facilities serving the community (NPPF para 28). This would include such businesses as village shops and public houses.</p> <p>There is particular support for activities commonly found within rural areas through <b>Policies PEM8, PEM9, PEM10 and PEM15.</b> Any restrictions stipulated relate to appropriate scale, character, amenity – as already referred to above but which are particularly indicated as relevant to rural areas (meeting the provisions of NPPF para 28; HCS policies RA5, RA6 and E4).</p> <p>The NDP in so far as it relates to the rural economy is considered consistent with the provisions contained within the NPPF and HCS.</p>
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	<p>Applicants will be encouraged to provide a 'Hotel Needs Assessment' for any applications for new hotels;</p> <p>4. ensuring that cycling, walking and heritage tourism is encouraged by facilitating the development of long distance walking and cycling routes, food and drink trails and heritage trails, including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity;</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>	
<p><b>Supporting high quality communications infrastructure</b></p> <p>Support the expansion of the electronic communications network, including broadband but keeping the number of masts to a minimum, using existing buildings and structures, with new sites sympathetically designed (NPPF para 43).</p>	<p><b>(Policy SD1 – Extract)</b> Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements (among others):</p> <ul style="list-style-type: none"> <li>ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development;</li> </ul>	<p>The NDP includes a policy supporting development that provides high speed broadband and telecommunications equipment (<b>Policy PEM12</b>).</p> <p>The NDP does not seek to restrict any proposal for communication infrastructure within the Parish which would be permitted under Herefordshire Local Plan Core Strategy.</p>
<p><b>Provision of Infrastructure</b></p> <p>Work with other authorities and providers to assess the quality and capacity of (among others) infrastructure for transport, water supply and wastewater and its treatment (NPPF para 162, bullet 1).</p>	<p><b>(Policy SS4 – extract)</b> New developments should be designed and located to minimise the impacts on the transport network; ensuring that the efficient and safe operation of the network are not detrimentally impacted. Where possible development proposals should be accessible by and facilitate a genuine choice of modes of travel. Development proposals that will</p>	<p>HCS has determined where development should be located, and this takes into account the needs of rural areas (NPPF para 34).</p>

<p>Encourage transport solutions that support reductions in greenhouse gas emissions and reduce congestion (NPPF para 30).</p> <p>Developments that generate significant amounts of movements should be supported by Transport Statements or Transport Assessments to show sustainable transport modes have been taken into account, safe and suitable access can be achieved, and improvements to the transport network to limit impacts on development can be undertaken (NPPF paras 32 and 36).</p> <p>Locate development that generates significant movements where the need to travel will be minimised and sustainable transport modes maximised but take into account policies for rural areas (NPPF para 34).</p> <p>Give priority to pedestrians and cycle movements (NPPF para 35, bullet 2).</p> <p>Create safe and secure layouts, minimising conflicts between users, avoiding clutter (NPPF para 35, bullet 3).</p> <p>Consider the needs of people with disabilities by all modes of transport (NPPF para 35, bullet 5).</p>	<p>generate high journey numbers should be in sustainable locations, accessible by means other than private car or alternatively, be required to demonstrate that they can be made sustainable by reducing unsustainable transport as required in future local or neighbourhood development plans and developer contributions, which meet the statutory tests, patterns and promoting travel by walking, cycling and public transport. Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded, and developer contributions sought to assist with the delivery of new sustainable transport infrastructure, including that required for alternative energy cars.</p> <p>Herefordshire Council will work with the Highways Agency, Network Rail, bus and train operators, developers and local communities to bring forward improvements to the local and strategic transport network to reduce congestion, improve air quality and road safety and offer greater transport choices.</p> <p>Development proposals incorporating commercial vehicular movements that could detrimentally impact on the environmental quality, amenity, safety and character of the surrounding locality will be expected to incorporate evidence demonstrating how the traffic impacts are to be mitigated.</p> <p><b>Policy SS7- Extract)</b> Development proposals will be expected to include measures which will mitigate their impact on climate change.</p> <p>At a strategic level, this will include:</p> <ul style="list-style-type: none"> <li>• delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport.</li> </ul> <p><b>(Policy MT1 – Extract)</b> 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</li> </ol>	<p>There are no specific proposals in HCS or the Local Transport Plan at this time for transport infrastructure which affect the Parish (NPPF para 41). Previously the County Council has included a Bypass for Pembridge within a capital programme (<b>Paragraph 9.2</b>) and the community intends to remind the County Council that there remains a need for this infrastructure project.</p> <p><b>Policy PEM23</b> seeks housing development that is integrated fully into the wider environment to promote a more pedestrian friendly environment.</p> <p><b>Policies PEM1 e) and PEM24</b> indicate that the Parish Council will work with Herefordshire Council to bring forward transport infrastructure as appropriate (NPPF para 162; HCS policy SS4) in particular to promote the management of traffic through the village and improve accessibility to public transport (NPPF para 30; HCS policy SS7). The first recognises that elements of transport contribute towards sustainable development in a number of ways. The local highway network does not contain any specific cycle network for new development to link into (NPPF para 35). There are a number of footpaths running through the Parish and Pembridge village. Protection of footpaths and improvements would be facilitated through <b>Policies PEM24 and PEM26</b>.</p> <p>There are notable traffic concerns within Pembridge village as well as in the Parish as a whole. One of the aims of <b>Policy PEM24</b> is to address these. No significant traffic generating proposals are proposed in the NDP, but should any come forward, <b>Policy</b></p>
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<p>Balance land uses so people can be encouraged to minimise journey length (NPPF para 37).</p> <p>Set local parking standards taking account of accessibility, type of development, availability of public transport, car ownership and need to reduce the use of high emission vehicles (NPPF para 39).</p> <p>Identify and protect sites and routes critical in developing infrastructure to widen transport choices (NPPF para 41).</p> <p>Local Plans should take account of climate change over the longer term including factors such as (inter alia) water supply (NPPF para 99).</p> <p>Minimise pollution on the local and natural environment (NPPF para 10).</p>	<p>traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;</p> <ol style="list-style-type: none"> <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> <li>3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;</li> <li>4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;</li> <li>5. protect existing local and long-distance footways, cycle-ways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and</li> <li>6. have regard to both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.</li> </ol> <p>Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.</p> <p><b>(Policy SD3 – Extracts)</b> Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:</p> <ol style="list-style-type: none"> <li>2. development is designed to be safe taking into account the lifetime of the development, and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood</li> </ol>	<p><b>PEM25</b> includes criteria that would address the issues identified in NPPF paras 32/36 and HCS policy SS4. <b>Policy PEM11</b> also contains criteria to ensure the effects of large scale traffic movements associated with intensive livestock units are properly considered and this should apply not just to the capacity of the highway but the effects on the historic character of Pembridge village and residential amenity, which are planning issues and not directly associated with highway capacity. In relation to HCS policies SS4, MT1 and SD1 the above NP policies supplement and strengthen them because of local community concerns.</p> <p><b>Policy PEM25</b> promotes the provision of off-road parking (HCS policy MT1). No specific parking standards are referred to, but provision should be adequate for the purpose. Herefordshire Council as local highway authority would be best placed to judge this taking into account the provisions listed in NPPF 39.</p> <p>HC's Transportation Section has not raised objections to any of the sites proposed in the draft NDP.</p> <p>No constraints have been identified in terms of water supply within the Parish (NPPF para 162).</p> <p>Potential limitations in terms of foul water treatment have been identified. <b>Policy PEM22</b> addresses this matter in terms of the effect this would have upon restricting development. This policy is considered consistent with the requirements of HCS policy SD4 and NPPF para 10.</p>
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	<p>evacuation management plan and avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence;</p> <p>3. where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;</p> <p>4. development will not result in the loss of open watercourse, and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted;</p> <p>5. development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible;</p> <p>7. the separation of foul and surface water on new developments is maximised;</p> <p>9. development should not cause an unacceptable risk to the availability or quality of water resources; and</p> <p>10. in particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.</p> <p>Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged, including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all instances it should be</p>	<p>The NDP in so far as it relates to the provision of infrastructure is considered consistent with the provisions contained within the NPPF and HCS.</p>
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	<p>demonstrated that there will be no significant adverse landscape, biodiversity or visual impact.</p> <p><b>(Policy SD4 – Extract)</b></p> <p>Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.</p> <p>In the first instance developments should seek to connect to the existing mains wastewater infrastructure network where nutrient levels do not exceed conservation objectives within a SAC designated river. Proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve:</p> <ul style="list-style-type: none"><li>• measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, in accordance with policy SD3;</li><li>• phasing or delaying development until capacity is available;</li><li>• developer contributions to contribute to improvements to waste water treatment works or other appropriate measures to release capacity to accommodate new development;</li><li>• planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC; and</li><li>• where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.</li></ul> <p>Where connection to the wastewater infrastructure network is not practical, alternative options should be considered in the order:</p> <ul style="list-style-type: none"><li>- provision of or connection to a package sewage treatment works;</li><li>- septic tank.</li></ul> <p>With either of these non-mains alternatives, proposals should be accompanied by the following:</p>	
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	<ul style="list-style-type: none"><li>- information to show there will be no likely significant effect on the water quality of the River Wye and the River Clun SACs; or</li><li>- where there will be a likely significant effect upon a SAC river, information to enable the council to ascertain that there will be no adverse effect on the integrity of the SAC;</li><li>- in relation to the SACs, the inclusion of measures achieving the highest standard of water quality discharge to the natural drainage system including provision for monitoring.</li></ul> <p>The use of cesspools will only be considered in exceptional circumstances and where it can be demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives.</p>	
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## Achieving Sustainable Development – Social Role

**Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; creating a high-quality built environment, with accessible local services that reflect the community’s needs and supports its health, social and cultural well-being.**

### Delivering a wide choice of high quality homes

Identify sites that are key to delivery of the strategy within the housing market area over the plan period (NPPF para 47, bullet 1).

Illustrate housing delivery over the plan period showing a 5 – year supply of housing land (NPPF para 47 bullet 4).

Set out approach to housing density to reflect local circumstances (NPPF para 47, bullet 5).

Make allowance for windfalls in the 5-year supply where compelling evidence (NPPF para 48).

Plan for a mix of housing based on demographic trends, market trends and needs of different groups (NPPF para 50, bullet 1).

Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand (NPPF para 50, bullet 2).

Set policies to meet identified affordable housing need on site unless offsite provision can be robustly justified but ensuring mixed and balanced communities (NPPF para 50, bullet 3).

**(Policy SS2 – extract)** In the rural areas new housing development will be acceptable where it helps to meet local housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community. In the wider rural areas new housing will be carefully controlled reflecting the need to recognise the intrinsic character and beauty of the countryside.

The use of previously developed land in sustainable locations will be encouraged. Residential density will be determined by local character and good quality design. The target net density across the county is between 30 and 50 dwellings per hectare; may be less in sensitive areas.

**(Policy SS3 – Extract)** A sufficient supply of housing land will be maintained to ensure the delivery of the Core Strategy housing target as set out in Policy SS2 over the plan period. The rate of housing delivery and supply will be assessed through the annual monitoring process. If monitoring demonstrates that the number of new dwelling completions is below the cumulative target figure over a 12-month monitoring period (1 April to 31 March) as set out in the housing trajectory in Appendix 4 the Council will prioritise increasing housing supply in the following monitoring periods using appropriate mechanisms which, depending on the scale and nature of potential under-delivery, will include:

- A partial review of the Local Plan – Core Strategy; or
- The preparation of new Development Plan Documents; or
- The preparation of an interim position statement and utilising evidence from the Strategic Housing Land Availability Assessment to identify additional housing land

The strategy for delivering housing (and other forms of development) at Pembridge village is set out in **Section 5** of the NDP and more specifically **Policies PEM1 a)**, and **PEM3 to PEM7**. Outside of this settlement HCS policy RA3 and other policies referred to within that will apply restricting new houses in the open countryside to special cases, (NPPF paras 54 and 55). The NDP must address the provisions of HCS Policy RA2 which specifies Pembridge village as the only location for the majority of houses.

There are no strategic housing site locations identified within the Parish.

HCS sets a minimum target of 61 new dwellings for Pembridge Parish over the plan period. HC advised that 5 dwellings had been built between 2011 and April 2016 and a further 12 had planning permission.

A modest rural windfall allowance of some 9 further dwellings primarily through Core Strategy Policy RA3 - NPPF para 48) over the remaining plan period has been assessed based on past trends (**see NDP para 5.26**). Similarly, a windfall allowance was estimated for the development of small sites within the settlement boundary of the village with that potentially likely from 2016 being 7 dwellings (**see NDP para 5.11**). However, the achievement of the outstanding housing target does not rely upon either of these provisions.

<p>Bring back into use empty houses and buildings (NPPF para 51).</p> <p>Consider utilising extensions to existing villages where this follows the principles of Garden Cities where support from local communities (NPPF para 52).</p> <p>Restrict inappropriate development of residential gardens where will cause harm to the local area (NPPF para 53).</p> <p>In rural areas, be responsive to local circumstances, reflecting local need, particularly for affordable housing on 'exception sites' and whether allowing some market housing would facilitate additional affordable housing for local need (NPPF para 54).</p> <p>In rural areas locate housing to maintain or enhance the vitality of rural communities, enabling development in one village where it will support services in a nearby one (NPPF para 55).</p> <p>Avoid isolated housing in the countryside by restricting to special circumstances (NPPF para 55 with bullets setting out circumstances).</p>	<p>Appendix 5 sets out the relationships between the delivery of housing and the timing of the main infrastructure requirements. It also identifies actions necessary to safeguard the integrity of the River Wye Special Area of Conservation (SAC) from significant adverse effects. The Council will actively monitor the relationships identified in this appendix. Any material delays in the implementation of identified infrastructure of environmental safeguards and which will lead to under-delivery of housing supply will inform the implementation of the range of measures set out above to ensure plan-led corrective measures are put in place. The delivery and supply of new housing will be monitored on a regular basis and through the annual monitoring process in particular. Appendix 4 sets out an indicative trajectory for total housing completions, which will provide a basis for monitoring completions over the plan period. In the event that the monitoring process demonstrates that the rate of completions has fallen below targets, an early assessment will be made as to the most appropriate mechanism to boost housing delivery depending upon the scale and nature of the issue.</p> <p><b>(Policy RA1 – Extract)</b> In Herefordshire's rural areas a minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county's housing needs. The development of rural housing will contribute towards the wider regeneration of the rural economy.</p> <p>New dwellings will be broadly distributed across the county's rural areas on the basis of seven Housing Markets Areas (HMA) and illustrated in Figure 4.13 This acknowledges that different areas of Herefordshire have different housing needs and requirements.</p> <p>(Pembridge falls within Kington Housing Market Area. A 12% growth target for the Parish is indicated in HCS and this would amount to a minimum of 61 dwellings over the period 2011 to 2031. This should inform the approach to housing provision to meet future housing needs much of which should be provided through the neighbourhood plan and to be met in a locally focussed way.)</p>	<p><u>The completions, commitments, windfall allowance and housing allocations should ensure that the housing target of 61 is met and exceeded (NPPF paras 47, 52 and 55), in that the potential dwellings expected as a consequence of all measures and allowances is 100 dwellings for the period 2011-2031. (See NDP Table 1). The figures suggested for the individual sites are based on modest estimates of potential for the purposes of showing how the required level of proportional growth is expected to be met. It is likely that these may be exceeded in many instances</u></p> <p>A settlement boundary has been defined for Pembridge (i.e. settlement listed within HCS table 4.14) which may present opportunities for infilling where relevant criteria are met. <b>Policy PEM3</b> sets out the policy applying to the settlement boundary. Subsequent <b>paragraphs 5.8 and 5.9</b>, identify potential windfall sites that might come forward.</p> <p>Through these provisions it is considered that the NDP plans positively for growth. The settlement boundary and site allocations are supported by <b>Policies PEM3 and PEM4</b>. These are shown on <b>Pembridge Village Policies Map</b>. This meets and exceeds the housing target set out in HCS polices RA1 and RA2. The defining of a settlement boundary complies with HC paragraph 4.8.23.</p> <p>No particular cases where houses can be brought back into use have been identified (NPPF para 51).</p> <p><b>Policy PEM1 a)</b> sets the overall strategy to achieve a variety of well design houses to meet local needs. <b>Policies PEM6 and PEM23</b> contain a range of specific and</p>
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	<p><b>(Policy RA2 – Extract)</b> To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.</p> <p>The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.</p> <p>Housing proposals will be permitted where the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;</li> <li>2. Their locations make best and full use of suitable brownfield sites wherever possible;</li> <li>3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and</li> <li>4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.</li> </ol> <p>Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.</p> <p><b>(Policy RA3 – Extract)</b> In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the</p>	<p>important criteria that need to be complied with in order that appropriate safeguards are provided, and general design matters are addressed for the sites. This is in addition to other topic specific policies in this NDP and also HCS. HCS evidence base contains information on the mix of sites required within the rural parts of Kington Housing Market Area and <b>Policy PEM5</b> indicates housing developments should provide an appropriate range of house types. This meets the provisions of NPPF paras 50, 54 and 55.</p> <p>The housing is located in accordance with HCS policies RA1 and RA2 where it is understood the purpose is to support services and assist community wellbeing (NPPF para 55).</p> <p>A number of relatively large sites have been proposed in <b>Policy PEM4</b> that would require an element of affordable housing. In this regard it is unlikely that ‘rural exception’ provisions provided through HCS policy H2 will be important generally during the early stages of the plan period. <b>Policy PEM7</b> sets out criteria to be used to determine how affordable housing should be allocated. Although this varies slightly from that operated by Herefordshire Council’s housing section, it is felt this is more flexible to serve the needs of the community and more readily understood.</p> <p>The allocation of a number of relatively large sites should enable a range of housing types to be sought, as referred to above, through the development management process (NPPF para 50 bullet 1) and is consistent with <b>Policy PEM1 a)</b>. The locations of sites are such that development reflecting adjacent densities</p>
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	<p>Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria:</p> <ol style="list-style-type: none"> <li>1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or</li> <li>2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or</li> <li>3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or</li> <li>4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5; and leads to an enhancement of its immediate setting;</li> <li>5. is rural exception housing in accordance with Policy H2; or</li> <li>6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or</li> <li>7. is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.</li> </ol> <p><b>(Policy H1 – Extract)</b> All new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000sqm will be expected to contribute towards meeting affordable housing needs.</p> <p>The amount and mix of affordable housing including those on strategic housing sites will vary depending on evidence of housing need as identified through the latest housing market assessment, and an assessment of the viability of the development. The following indicative targets have been established based on evidence of need and viability in the county's housing market and housing value areas:</p> <ol style="list-style-type: none"> <li>1. a target of 35% affordable housing provision on sites in the Hereford, Hereford Northern and Southern Hinterlands, and Kington and West Herefordshire housing value areas;</li> </ol>	<p>would also suggest a variety of dwelling types will result. The approach to seeking a variety of housing types is important in order to support local facilities, especially the primary school within Pembridge.</p> <p><b>Policies PEM6 and PEM20</b> require housing development to reflect the existing scale and density of existing properties in its vicinity and other design matters. It is considered this addresses the density issue in the most appropriate way (NPPF para 47, bullet 5). This also fits in with the overall strategy for housing set out in Policy <b>PEM1 a)</b>. HCS policy SS2 recognises that lower densities may be appropriate in sensitive areas. The criteria in this policy should also be sufficient to cover appropriately the issue of development within rear gardens (NPPF para 53) by requiring sufficient space to provide a functioning garden to allow residents to enjoy their use with appropriate privacy. The relatively low housing density is below the minimum target level set in HCS policy SS2 because of the sensitive location.</p> <p>It is considered these policies and others elsewhere in this NDP are consistent with Government or HCS provisions relating to supporting the sustainable provision of both market and affordable housing to meet local and wider needs while protecting environmental and social considerations of acknowledged importance.</p>
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	<p>2. a target of 40% affordable housing provision on sites in the Ledbury, Ross and Rural Hinterlands; and Northern Rural housing value areas (which includes Bromyard);</p> <p>3. a target of 25% affordable housing provision on sites in the Leominster housing value area.</p> <p>Any affordable housing provided under the terms of this policy will be expected to be available in perpetuity for those in local housing need.</p> <p><b>(Policy H2 – Extract)</b> Proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where:</p> <ol style="list-style-type: none"> <li>1. the proposal could assist in meeting a proven local need; and</li> <li>2. the housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and</li> <li>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.</li> </ol> <p>In order to enable the delivery 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 to demonstrate that the proposed scale of market housing is that required for the delivery of affordable housing.</p> <p><b>(Policy RA5 – Extract)</b></p> <p>The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which will make a positive contribution to rural businesses and enterprise and support the local economy (including live work units) or which otherwise contributes to or is essential to the social well-being of the countryside, will be permitted where:</p> <ol style="list-style-type: none"> <li>1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and</li> </ol>	
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	<p>enhancement of any heritage asset affected, together with its setting;</p> <ol style="list-style-type: none"> <li>2. design proposals make adequate provision for protected and priority species and associated habitats;</li> <li>3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;</li> <li>4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and</li> <li>5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.</li> </ol> <p>Any planning permissions granted pursuant to this policy will be subject to a condition removing permitted development rights for future alterations, extensions and other developments.</p> <p><b>(Policy H3 – Extract)</b> Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. In particular, on sites of more than 50 dwellings, developers will be expected to:</p> <ol style="list-style-type: none"> <li>1. provide a range of house types and sizes to meet the needs of all households, including younger single people;</li> <li>2. provide housing capable of being adapted for people in the community with additional needs; and</li> <li>3. provide housing capable of meeting the specific needs of the elderly population by: -providing specialist accommodation for older people in suitable locations; - ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population; - ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.</li> </ol> <p>The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes</p>	
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<p><b>Promoting healthy communities</b></p> <p>Promote mixed-use developments, strong neighbourhood centres and active street frontages (NPPF para 69, bullet 1).</p> <p>Promote safe and accessible environments to avoid fear of crime and promote cohesion (NPPF paragraph 69, bullet 2).</p> <p>Promote safe and accessible developments with clear legible pedestrian routes, high quality public spaces to encourage active and continual use of public areas (NPPF para 69, bullet 3).</p> <p>Plan positively for the provision and use of shared space, community facilities (e.g. meeting places, public houses) and other local services (NPPF para 70, bullet 1).</p> <p>Guard against unnecessary loss of valued facilities and service, enabling them to develop and modernise in sustainable ways (NPPF para 70, bullets 2 &amp; 3)</p> <p>Integrate location of housing, economic uses and community facilities and services (NPPF para 70, bullet 4).</p> <p>Work with those involved with schools to identify and resolve key issues to enable them to be created, expanded and altered (NPPF para 72, bullet 2).</p>	<p><b>(Policy SD1 – Extract)</b> Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements (among others):</p> <ul style="list-style-type: none"> <li>• safeguard residential amenity for existing and proposed residents;</li> <li>• create safe and accessible environments that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures, particularly the location of establishments where hazardous substances are present;</li> </ul> <p><b>(Policy SC1 – Extract)</b> 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 where in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.</p> <p>New development that creates a need for additional social and community facilities - that cannot be met through existing social facilities – will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF.</p> <p>Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative is available or can be provided or it can be shown that the facility is no longer required, viable or no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.</p>	<p>The rural location of the Parish and its small population is such that many of the planning provisions in the NPPF relating to promoting healthy communities are not relevant. Nevertheless, supporting a healthy community is seen as a priority for sustainable development, as expressed in <b>Policy PEM1c</b>.</p> <p>There are a limited number of public rights of way into and out of the village and a number of footpaths serving most areas within the village, including along the A44.</p> <p>Promoting healthy communities in terms of safe environments includes ensuring the effects on residential and local amenity are not affected by pollution and the effects of traffic. <b>Policy PEM11</b>, in particular, identifies such concerns that need to be addressed.</p> <p>It is hoped that the level of community facility provision can be retained. Should the need for further community facilities arise then these would be enabled through <b>Policies PEM15 and PEM17</b>, with appropriate amenity safeguards.</p> <p><b>Policy PEM16</b> protects a number of Local Green Spaces that are considered important and special to the community as a whole (NPPF paras 76-78; HCS policy OS2).</p> <p>Any need for onsite open space and play areas within the proposed housing sites will be determined through the development management process utilising HCS policies OS1 and OS2.</p>
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<p>Protect and provide opportunities for new open space, sports and recreational facilities and land based on robust and up-to-date assessments (NPPF paras 73 &amp;74).</p> <p>Protect and enhance public rights of way and access (NPPF para 76).</p> <p>Identify and provide special protection for green areas by designating Local Green Space (NPPF paras 76-78).</p>	<p>The provision or improvement of higher education facilities and the continuing enhancement of existing or provision of new, training and skills facilities will be actively promoted.</p> <p><b>(Policy OS2 – Extract)</b> In order to meet the needs of the community, provision for open space, sports and recreation facilities will be sought, where appropriate, taking into account the following principles:</p> <ol style="list-style-type: none"> <li>1. any new development must be in accordance with all applicable set standards of quantity, quality and accessibility; and</li> <li>2. provision of open space, sports and recreation facilities should be located on-site unless an off-site or partial off-site contribution would result in an equally beneficial enhancement to an existing open space, sports and/or recreation facility which are of benefit to the local community.</li> </ol> <p><b>(Policy OS3 – Extract)</b> In determining proposals which result in the loss of an open space, sports or recreation facility, the following principles will be taken into account:</p> <ol style="list-style-type: none"> <li>1. clear evidence that the resource is surplus to the applicable quantitative standard;</li> <li>2. the loss of the resource results in an equally beneficial replacement or enhanced existing facility for the local community;</li> <li>3. the loss of the resource is for the purpose of providing an ancillary development which improves the functioning, usability or viability of the resource, e.g. changing rooms, toilets, grandstand accommodation, and function uses;</li> <li>4. the loss of the resource will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor.</li> </ol>	<p>No proposals are advanced that would result in the loss of any open space.</p> <p>The provision of HCS policy SD1 in relation to creating safe environments, addressing crime prevention and community safety are not duplicated in this NDP and will be a matter left to be considered through that HCS policy (NPPF para 69).</p> <p>Proposals that would enable improvements to existing, or the creation of new public rights of way, would be supported through <b>Policy PEM26</b> (NPPF para 76).</p> <p>None of the policies referred to in this section are considered inconsistent with Government or HCS provisions relating to community facilities, services and related health and wellbeing measures.</p>
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## Achieving Sustainable Development – 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.**

### Requiring good design

Plan positively for the achievement of high quality design based on robust and comprehensive objectives for the future of the area and defined characteristics (NPPF para 57).

Development should function well and add to the overall quality of the area over its lifetime (NPPF para 58, bullet 1).

Establish a strong sense of place, using streetscape and buildings to create attractive and comfortable places to live, work and visit (NPPF para 58, bullet 2).

Optimise potential of site to accommodate development, sustaining a mix of uses and including green and open space, local facilities and transport networks (NPPF para 58, bullet 3).

Reflect the identity of local surroundings and materials contributing to local distinctiveness but without discouraging innovation and originality (NPPF para 58, bullet 4).

Create safe and accessible environments, maintaining

**(Policy SD1 – Extract)** Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements (among others):

- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
- safeguard residential amenity for existing and proposed residents;
- ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored.

The NDP requires development to be designed to a high standard and to reflect the quality and character of the settlement which falls within a designated a Conservation Area.

**Policies PEM6, PEM20 and PEM23** contain elements that complement HCS policy SD1 and set out the need to address design issues, including those related to sustainability, in an integrated way through considering those features important to the design of individual buildings, those appropriate at the site level and the contribution to the wider community. It does not seek to replicate HCS policy SD1 but is consistent with it. These policies also seek to ensure that new development respects the scale, density and massing which forms the character within the village. New development also needs to integrate well into the natural and historic environment with **policies PEM18 and PEM19** add to **Policies PEM6 and PEM20** reflecting the Local Distinctiveness policies in HC, and the provisions of NPPF para 61.

The safeguarding of residential amenity is essential (NPPF para 58; HCS policy SD1) and criteria to achieve this are included in **Policies PEM6, PEM8, PEM9, PEM11, PEM13, PEM14 and PEM15**. In these regards it is recognised that protection of amenity is not just one of addressing privacy and spacing between buildings but can arise from pollution, the level of traffic generation in a location and

<p>community cohesion (NPPF para 58, bullet 5).</p> <p>Be visually attractive with good architecture and appropriate landscaping (NPPF para 58, bullet 6).</p> <p>Consider using design codes to deliver high quality outcomes (NPPF para 59).</p> <p>Seek to promote and reinforce local distinctiveness (NPPF para 60).</p> <p>Address the connection between people and places and the integration of new development into the natural, built and historic environment (NPPF para 61).</p> <p>Require developers to work closely with those affected by proposals to evolve design and take into account the views of the community (NPPF para 66).</p> <p>Consider the need for policies to resist inappropriate development in residential gardens (NPPF para 53).</p>		<p>the juxtaposition of dwellings to the travelling vehicles.</p> <p><b>Various supporting paragraphs in Section 5</b> identify important design considerations that should be addressed for sites either allocated for housing or identified as potential windfall developments.</p> <p>Design <b>Policy PEM6</b> is also relevant should proposals be brought forward for development in rear gardens, covering not only the need to protect amenity and other environmental factors such as density, but also to ensure sufficient space is available to form a functional garden. This is especially necessary given the absence of children’s play areas within residential areas.</p> <p>A design code would be difficult to apply for the types of development sought within the village and the guidance given in Policy PEM20, is considered a useful alternative way to proceed. (NPPF para 59).</p> <p>Important areas are designated as Local Green Space and protected through <b>Policy PEM16</b>.</p> <p>Pembridge Parish Council is aware of Herefordshire Council’s Statement of Community Involvement and will use this to ensure those affected are involved in the design process (NPPF para 66).</p>
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<p><b>Conserving and enhancing the natural environment</b></p> <p><b>Landscape</b></p> <p>Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside (NPPF para 17, bullet 5).</p> <p>Protect and enhance valued landscapes, geological conservation interests and soils (NPPF para 109, bullet 1).</p> <p>Set criteria-based policies against which proposals for any development in landscape areas will be judged (NPPF para 113).</p> <p>Give great weight to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (NPPF para 115). Major development needs to be in the public interest – cannot be met outside (NPPF para 116).</p>	<p><b>(Policy SS6 – Extract)</b> Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant (among others):</p> <ul style="list-style-type: none"> <li>• landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;</li> </ul> <p>The management plans and conservation objectives of the county’s international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.</p> <p><b>(Policy LD1 – Extract)</b> Development proposals should:</p> <ul style="list-style-type: none"> <li>• demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;</li> <li>• conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection</li> </ul>	<p>The NDP supports policies to protect the rural landscape set out in Herefordshire Local Plan Core Strategy. Protecting the landscape and its natural features is recognised as essential for sustainable development and part of the overall strategy set out in <b>Policy PEM1 d)</b>.</p> <p><b>Policy PEM18</b> seeks to preserve those elements contributing to the character and beauty of the countryside, in particular landscape features, views, the setting of Pembridge village and the characteristics of the landscape character type (NPPF para 17 bullet 5). This policy, together with <b>Policy PEM1</b>, ensure that protection and enhancement of the elements of the landscape is given a very high priority (NPPF para 109). In addition, <b>Policy PEM6</b> requires specified landscape features to be retained and enhanced. It also specifically requires integrated and high-quality landscape schemes to be prepared as part of a site’s design. <b>Policy PEM11</b> also includes provisions to protect landscape character and features.</p> <p>It is considered that no proposals are advanced that would conflict with policies to protect the landscape, geological conservation and soils.</p>
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<p><b>Efficient use of land</b></p> <p>Encourage the effective use of land – reuse previously developed land where not of high environmental value (NPPF para 111).</p> <p>Remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land (NPPF para 109, bullet 5).</p> <p>Allocate land with least environmental or amenity value, consistent with other policies (NPPF para 110).</p> <p>Take into account economic and other benefits of best and most versatile agricultural land, using areas of poorer quality land in preference (NPPF para 112).</p>	<p>of the area's character and by enabling appropriate uses, design and management;</p> <ul style="list-style-type: none"> <li>• incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and</li> <li>• maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.</li> </ul> <p><b>(Policy SS6 – Extract)</b> Development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county's residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant (among others):</p> <ul style="list-style-type: none"> <li>• agricultural and food productivity; <ul style="list-style-type: none"> <li>▪ physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation;</li> </ul> </li> </ul> <p>The management plans and conservation objectives of the county's international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.</p>	<p>All the potentially developable land surrounding the village is classed as grade 2 agricultural land (very Good) and consequently was not relevant to determining between sites. There are a small number of potential infill plots within the settlement boundary that came forward through the call for sites although it remains to be seen whether these can meet conditions to enable them to be developed. As such they do not provide the level of certainty required to be considered contributions to the required level of proportional housing growth. No specific proposals for new or expanded sites to serve local businesses are proposed and should proposals come forward for economic development these are most likely to arise through the conversion of rural buildings to workshops, and appropriate extensions of existing employment sites where environmentally acceptable. <b>Policies PEM8, PEM10, PEM11, PEM13 and PEM14</b> contain environmental safeguards, with a number emphasising the need for these to be in scale with the surroundings.</p> <p>No derelict or despoiled land has been identified. There is no indication that land with</p>
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<p><b>Biodiversity</b></p> <p>Recognise the wider benefits of ecosystem services (NPPF para 109, bullet 2).</p> <p>Minimise impacts on biodiversity providing net gains where possible, especially establishing coherent ecological networks (NPPF para 109, bullet 3).</p> <p>Set criteria-based policies against which proposals for any development affecting protected geodiversity and wildlife sites will be judged (NPPF para 113).</p> <p>Distinction should be made between the hierarchy of international,</p>	<p><b>Policy SS7- Extract)</b> Development proposals will be expected to include measures which will mitigate their impact on climate change.</p> <p>At a strategic level, this will include:</p> <ul style="list-style-type: none"> <li>• supporting affordable, local food production, processing and farming to reduce the county’s contribution to food miles*;</li> <li>• protecting the best agricultural land where possible.</li> </ul> <p><b>(Policy SS6 – Extract)</b> Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its biodiversity and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant (among others):</p> <ul style="list-style-type: none"> <li>• biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;</li> <li>• the network of green infrastructure;</li> </ul>	<p>any contamination is being proposed for any use, although a number have been identified as close to former landfill sites that might contain contamination (<b>see para 5.13 with reference to Policy PEM23</b> which addresses the issue). Agricultural land has the potentially have low levels of pollution from related herbicides and again this would be dealt with through <b>Policy PEM23</b>. In both instances any problems associated with this are likely to be capable of being overcome.</p> <p>It is considered that the NDP does not conflict with any policies seeking the efficient use of land set out in Herefordshire Local Plan Core Strategy.</p> <p>The NDP supports policies to protect biodiversity set out in Herefordshire Local Plan Core Strategy through <b>Policy PEM18</b>. No site allocations are advanced that would conflict with policies to protect the designated wildlife or geological sites in the Parish.</p> <p><b>Policy PEM1 d)</b> recognises the part the natural environment plays in supporting sustainable development.</p> <p><b>Policies PEM6 and PEM18</b> protect important natural habitats and features and wildlife features seeking no net-loss in biodiversity. <b>Policy PEM1</b> also refers to the importance of protecting the natural and wildlife features of the River Arrow Valley. <b>Policy PEM11</b> also seeks to protect the water environment and</p>
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<p>national and locally designated sites, so protection is appropriate to their status and gives appropriate weight to their importance and contribution to the wider ecological network (NPPF para 113).</p> <p>Set out a strategic approach and plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (NPPF para 114, bullet 1).</p> <p>Plan for biodiversity at the landscape scale (NPPF para 117, bullet 1).</p> <p>Identify and map constraints of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them, and areas identified by LNP for habitat restoration or creation (NPPF para 117, bullet 2).</p> <p>Promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species linked to national and local targets and identify suitable indicators for monitoring (NPPF para 117, bullet 3).</p> <p>Prevent harm to geological conservation interests (NPPF para 117, bullet 4).</p>	<p>The management plans and conservation objectives of the county's international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.</p> <p><b>(Policy LD2 – Extract)</b> Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:</p> <ol style="list-style-type: none"> <li>1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows: <ol style="list-style-type: none"> <li>a) Development that is likely to harm sites and species of European Importance will not be permitted;</li> <li>b) Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations;</li> <li>c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.</li> <li>d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.</li> </ol> </li> <li>2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and</li> </ol>	<p>this is considered a particularly critical issue for the River Lugg and its tributaries where both diffuse and point source pollution needs to be addressed in order to comply with the Habitats Regulations. The combination of <b>Policies PEM1, PEM6 and PEM18</b> is to require landscape schemes to be an integral part of site development which should also protect trees and hedgerows. The requirement for this is specifically required through <b>Policy PEM6</b>.</p> <p>There is no Nature Improvement Area within the Parish (NPPF 17), nor any Special Area of Conservation (SAC) (NPPF para 119). However, The River Wye SAC (which includes the lower end of the River Lugg into which the River Arrow flows) lies to the east of the Parish. The River Arrow passes through the Parish.</p> <p><b>Policy PEM16</b> protects a number of important areas, namely Pembridge Village Green and Pembridge Riverside Walk that contribute to the ecological network of the parish designating them as Local Green Space. They provide access to natural green space supporting Natural England's ANGSt.</p> <p>It is considered there is no apparent conflict between the policies in this plan covering biodiversity and those in HCS.</p>
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<p>Where Nature Improvement Areas are identified specify the types of development that may be appropriate in those areas (NPPF para 117, bullet 5).</p> <p>If significant harm cannot be avoided, adequately mitigated or compensated for then planning permission should be refused. (NPPF para 118, bullet 1).</p> <p>The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Habitats Directive is being considered, planned or determined (NPPF para 119).</p> <p><b>Control of pollution and land stability</b></p> <p>Minimise pollution on the local and natural environment (NPPF para 10).</p> <p>Prevent development contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability (NPPF para 109, bullet 4).</p> <p>Remediate and mitigate despoiled, degraded, derelict, contaminated</p>	<p>3. creation of new biodiversity features and wildlife habitats.</p> <p>Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.</p> <p><b>Policy LD3 – Green infrastructure</b></p> <p>Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:</p> <ol style="list-style-type: none"> <li>1. identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;</li> <li>2. provision of on-site green infrastructure, in particular proposals will be supported where this enhances the network; and</li> <li>3. integration with, and connection to, the surrounding green infrastructure network.</li> </ol> <p><b>(Policy SS6 – Extract)</b> Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant (among others):</p>	<p>.</p> <p>The provisions of HCS policies SS6 and SD1 in relation to control of pollution are enhanced through <b>Policies PEM11</b> (see Appendix 1 to this document) <b>and PEM23</b>. Those HCS policies are considered sufficient for the needs of the Parish in relation to addressing land stability which is a matter requiring high levels of professional advice not available to the Parish Council. <b>Policy PEM6</b> protects the amenity of existing residents, which will include from potential noise and air pollution and ensures that new residential development is not located where such pollution exists. <b>Policy PEM23</b> covers the issue of contaminated land which Herefordshire</p>
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<p>and unstable land (NPPF para 109 bullet 5).</p> <p>Ensure development is appropriate to the location taking into account the effects (including cumulative) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects of pollution (NPPF para 120).</p> <p>Developers should secure the safe development of sites affected by contaminated land or land stability issues (NPPF para 120).</p> <p>Ensure any site for a new use takes account of ground conditions and land instability including mining, pollution arising from previous uses, and any mitigation impacts on remediation or impacts on the natural environment arising from remediation (NPPF para 121, bullet 1).</p> <p>The development itself should be an acceptable use of land, and the impacts of use, rather than the control processes or emissions themselves which are subject to approval under pollution control regimes (NPPF para 122).</p> <p>Avoid noise giving rise to significant adverse impacts on health and quality of life (NPPF para 123, bullet 1).</p>	<ul style="list-style-type: none"> <li>• local amenity, including light pollution, air quality and tranquillity;</li> </ul> <p>The management plans and conservation objectives of the county's international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.</p> <p><b>(Policy SD1 – Extract)</b> Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements (among others):</p> <ul style="list-style-type: none"> <li>• safeguard residential amenity for existing and proposed residents;</li> <li>• ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;</li> <li>• where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective;</li> </ul>	<p>Council suggests may be relevant when, in particular, agricultural land is developed. There are general references to the protection of amenity within many of the NDP's policies including <b>Policies PEM6, PEM8, PEM9, PEM11, PEM13, PEM14 and PEM15. Policy PEM23</b> seeks to minimise light pollution.</p> <p>Accordingly, these provisions in addition to HCS policies SS6 and SD1 are considered sufficient for the needs of the Parish and to meet national and strategic requirement.</p>
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<p>Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions (NPPF para 123, bullet 2).</p> <p>Not have unreasonable restrictions to continuance of business (NPPF para 123, bullet 3).</p> <p>Identify and protect areas of tranquillity (NPPF para 123, bullet 4).</p> <p>Comply with EU limit values or national objectives for pollutants, taking into account Air Quality Management Areas (NPPF para 124).</p> <p>Limit impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation through good design (NPPF para 125).</p> <p><b>Conserving and enhancing the historic environment</b></p> <p>Set out a positive strategy for the conservation and enjoyment of the historic environment (NPPF para 126).</p> <p>Are there any heritage assets most at risk through neglect, decay or other threats that can be addressed through enabling development (NPPF para 126)</p>	<p><b>(Policy SS6 – Extract)</b> Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, 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,</p>	<p>The NDP supports policies to protect the historic environment set out in Herefordshire Local Plan Core Strategy. It is considered that no proposals are advanced for Pembridge that would conflict with policies to protect the historic environment or heritage assets or their settings.</p>
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<p>Take account of the desirability of sustaining and enhancing the significance of heritage assets (NPPF para 126, bullet 1).</p> <p>Take account of the wider social; cultural, economic and environmental benefits that conservation of the historic environment can bring (NPPF para 126, bullet 2).</p> <p>Take account of the desirability of new development making a positive contribution to local character and distinctiveness (NPPF para 126, bullet 3).</p> <p>Developers should describe the significance of any heritage asset and its setting affected by proposals and LPAs should also identify and assess significance, taking this into account when considering the impact of proposals on heritage assets (NPPF paras 128 and 129).</p> <p>Ensure policies for development affecting historic assets and their settings are properly assessed, including considering uses consistent with their conservation, their contribution to the community, their economic viability, and contribution to local character and distinctiveness (NPPF para 131).</p> <p>Harm or loss should require clear and convincing justification.</p>	<p>and based upon sufficient information to determine the effect upon each where they are relevant (among others):</p> <ul style="list-style-type: none"> <li>• landscape, townscape and local distinctiveness especially Special Areas of Conservation and Sites of Special Scientific Interest,</li> <li>• historic environment and heritage assets especially Scheduled Monuments and Listed Buildings;</li> <li>• the network of green infrastructure;</li> </ul> <p>The management plans and conservation objectives of the county's international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.</p> <p><b>(Policy LD4 – Extract)</b> Development proposals affecting heritage assets and the wider historic environment should:</p> <ol style="list-style-type: none"> <li>1. Protect, conserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;</li> <li>2. where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;</li> <li>3. use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;</li> <li>4. record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and</li> <li>5. where appropriate, improve the understanding of and public access to the heritage asset.</li> </ol> <p>The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes should emphasise the</p>	<p><b>Policy PEM1 d)</b> recognises the part that heritage assets play in supporting sustainable development.</p> <p>This overall approach through <b>Policies PEM19 and PEM20</b> is considered to meet the provisions of NPPF paras 126 to 134 in particular and also NPPF para 135.</p> <p><b>Policy PEM20</b> specifically seeks to preserve or enhance the character or appearance of Pembridge Conservation Area and this would include its setting to meet the requirements of legislation and also in accordance with para 137. An appraisal of the Conservation Area has been produced by HC and this has informed <b>Policy PEM20</b> and reference is also made to <b>Appendix 1</b> which contains much of the material contained within HC's appraisal.</p> <p>Neither of these or other policies elsewhere in this NDP are considered inconsistent with Government or HCS provisions relating to protecting and enhancing the environment and sustainable use of land.</p>
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<p>Substantial harm or loss of a designated heritage asset should be exceptional and wholly exceptional for assets of higher weight (NPPF paras 132 and 133).</p> <p>Less than substantial harm should be weighed against public benefit (NPPF para 134).</p> <p>The effect of development on the significance of locally important assets should be balanced against the scale of the harm (NPPF para 135).</p> <p>Look for opportunities for new development within conservation areas or within the setting of a heritage asset to enhance or better reveal their significance (NPPF para 137).</p> <p>Non designated heritage assets of archaeological interest that are demonstrably equivalent to a scheduled monument should be considered subject to policies for designated heritage assets (NPPF para 139).</p> <p>Make information about the significance of the historic environment gathered as part of the plan making process publicly assessable (NPPF para 141).</p> <p>Developers should record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate</p>	<p>original form and function of any asset and, where appropriate, improve the understanding of and public access to them.</p>	
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<p>to their importance and the impact, making evidence publicly accessible (NPPF para 141).</p>		
<p><b>Waste Planning</b></p> <p>Local authorities should have regard to policies in National Waste Management Plan and other policies in the NPPF so far as they may be relevant (NPPF para 5).</p>	<p><b>(Policy SS6 – Extract)</b> Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant (among others):</p> <ul style="list-style-type: none"> <li>• physical resources, including management of waste.</li> </ul> <p>The management plans and conservation objectives of the county’s international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents where undertaken to define local distinctiveness, should inform decisions upon proposals.</p> <p><b>(Policy SS7- Extract)</b> Development proposals will be expected to include measures which will mitigate their impact on climate change.</p> <p>Key considerations in terms of responses to climate change include (among others):</p> <ul style="list-style-type: none"> <li>• reduction, re-use and recycling of waste with particular emphasis on waste minimisation on development sites;</li> </ul>	<p>No specific strategic proposals for dealing with waste are included in HCS. The matter of general waste needs to be addressed on a strategic basis and in an integrated way and it is accepted that the Minerals and Waste Local Plan will be the most appropriate plan to cover this issue.</p> <p><b>Policy PEM23</b> requires development proposals to make provision for recycling storage and this is considered a measure that would encourage recycling which is important and likely to be promoted through any Natural Resources/Minerals and Waste Local Plan. In addition, <b>Policy PEM23</b> also requires developers to consider how they might minimise construction waste as part of an overall approach.</p> <p><b>Policy PEM11</b> makes reference to measures aimed at ensuring commercial manure waste is disposed of in ways that protect both residential amenity, water quality and biodiversity. This addresses a pollution issue to both air and water covered under NPPF para 109 and is incidental to the waste issue. DEFRA has advised that the regulatory regimes through environmental health and the Environment Agency are not sufficient to address these issues fully and that their effects should be addressed at the planning application stage. The case for this is set out in Appendix 1 to this statement.</p>

	<p><b>Policy 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 (among others):</p> <ul style="list-style-type: none"> <li>• utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure;</li> </ul>	
<p><b>Meeting the challenge of climate change, flooding and coastal change</b></p> <p>Plan in locations and ways to reduce greenhouse gas emissions (NPPF para 95, bullet 1).</p> <p>Actively support energy efficiency improvements to existing buildings (NPPF para 95, bullet 2).</p> <p>Positively promote and maximise energy from renewables and low carbon sources while ensuring adverse effects are addressed satisfactorily, including cumulative effects (NPPF para 97, bullets 1 &amp; 2).</p> <p>Identify opportunities for renewable energy and low carbon sources and/or supporting infrastructure (NPPF para 97, bullet 3).</p>	<p><b>(Policy SS7- Extract)</b> Development proposals will be expected to include measures which will mitigate their impact on climate change.</p> <p>At a strategic level, this will include:</p> <ul style="list-style-type: none"> <li>• focussing development to the most sustainable locations;</li> <li>• designing developments to reduce carbon emissions and use resources more efficiently;</li> <li>• promoting the use of decentralised and renewable or low carbon energy where appropriate;</li> </ul> <p>Key considerations in terms of responses to climate change include:</p> <ul style="list-style-type: none"> <li>• taking into account the known physical and environmental constraints when identifying locations for development;</li> </ul>	<p>The location of housing sites allocated for development and the settlement boundary meet the requirements of HCS policies RA1 and RA2 which it is assumed have been assessed against NPPF para 95, bullet 1 and HCS policy SS7.</p> <p>The NDP supports policies to mitigate the effects of development on climate change set out in Herefordshire Local Plan Core Strategy. It is considered that no proposals are advanced within Pembridge village that would conflict with policies in HCS or the NPPF. <b>Policy PEM23</b> supports the need for sustainable design features, promoting these as elements within an integrated approach that needs to be pursued for individual buildings, site-based matters and those off-site measures that should be considered. The combination supports and expands upon the</p>

<p>Support community-led initiatives for renewable and low carbon energy (NPPG para 97, bullet 4).</p> <p>Identify opportunities for development to draw its energy supply from decentralised renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers (NPPF para 97, bullet 5).</p> <p>Ministerial Statement, 18 June 2015 requires that when proposals for wind energy development are being determined, local planning authorities should only grant planning permission if the development is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and the proposal has their backing.</p> <p>Take account of climate change on water supply and changes to biodiversity and landscape, or manage risk through suitable adaptation measures (NPPF para 99).</p> <p>Development should avoid increased vulnerability arising from climate change in terms of flood risk, including through suitable adaptive measures such as green infrastructure where necessary (NPPF para 99).</p>	<ul style="list-style-type: none"> <li>• ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading;</li> <li>• minimising the risk of flooding and making use of sustainable drainage methods;</li> <li>• reducing heat island effects (for example through the provision of open space and water, planting and green roofs);</li> <li>• developments must demonstrate water efficiency measures to reduce demand on water resources.</li> </ul> <p><b>(Policy SS6 – Extract)</b> Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant (among others):</p> <ul style="list-style-type: none"> <li>• physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.</li> </ul> <p>The management plans and conservation objectives of the county’s international and nationally important features and areas will be material to the determination of future development proposals. Furthermore, assessments of local features, areas and sites, defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals.</p> <p><b>(Policy SD2 – Extract)</b> Development proposals that seek to deliver renewable and low carbon energy targets will be supported where they meet the following criteria:</p> <ol style="list-style-type: none"> <li>1. the proposal does not adversely impact upon international or national designated natural and heritage assets;</li> <li>2. the proposal does not adversely affect residential amenity;</li> </ol>	<p>provisions of HCS polices SS7 and SD1 as well as NPPF para 95.</p> <p>The NDP recognises flood risk is an issue, in particular from storm water flooding as a consequence of localised drainage issues associated with a high water table. <b>Policy PEM21</b> sets out provisions that meet the NPPF requirements as well as that document’s Technical appendix. No sites within Flood Risk Zones 2 or 3 are proposed for development. This would apply to any site proposed for development close to the area at risk of flooding within or adjacent to Pembridge and also to development away from the village where there might be a need to protect development from flooding and preventing any development increasing the risk of flooding elsewhere.</p> <p>Areas falling within Flood Risk Zones 2 and 3 have been identified in relation to the River Arrow which lies just outside Pembridge village.</p> <p><b>Policies PEM21 and PEM23</b> promote the provision/use of sustainable drainage systems.</p> <p>None of these or other policies elsewhere in this NDP are considered inconsistent with Government or HCS approach to mitigating the effects of or adapting to climate change.</p>
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<p>Use the sequential and exception tests (NPPF para 100).</p> <p>Safeguard land needed for current and future flood management (NPPF para 100, bullet 3).</p> <p>Use development opportunities to reduce causes and impacts of flooding (NPPF para 100, bullet 4).</p>	<ol style="list-style-type: none"> <li>3. the proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment; and</li> <li>4. the proposal can be connected efficiently to existing national grid infrastructure unless it can be demonstrated that energy generation would be used on-site to meet the needs of a specific end user.</li> </ol> <p>In the case of energy generation through wind power developments, permission will only be granted for such proposals where:</p> <ul style="list-style-type: none"> <li>• the proposed site is identified in a Neighbourhood Plan or other Development Plan Document as a suitable site for wind energy generation; and</li> <li>• following consultation with local residents, it can be demonstrated that the planning impacts identified can be fully addressed, and therefore the proposal has the backing of the local community.</li> </ul> <p><b>(Policy SD3 – Extract)</b> Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:</p> <ol style="list-style-type: none"> <li>1. development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the <i>Strategic Flood Risk Assessment (SFRA) 2009</i> for Herefordshire;</li> <li>2. development is designed to be safe taking into account the lifetime of the development, and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and</li> </ol>	
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	<p>avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence;</p> <p>3. where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;</p> <p>4. development will not result in the loss of open watercourse, and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted;</p> <p>5. development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible;</p> <p>6. water conservation and efficiency measures are included in all new developments, specifically:</p> <ul style="list-style-type: none"> <li>• residential development should achieve Housing - Optional Technical Standards - Water efficiency standards at the time of adoption the published water efficiency standards were 110 litres/person/day; or</li> <li>• non-residential developments in excess of 1,000 sq. m. gross floorspace to achieve the equivalent of BREEAM 3 credits for water consumption as a minimum;</li> </ul> <p>Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged, including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all</p>	
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	instances it should be demonstrated that there will be no significant adverse landscape, biodiversity or visual impact.	
<p><b>Facilitating the sustainable use of minerals</b></p> <p>Avoid needlessly sterilising specific mineral resources of local and national importance by allowing non-mineral development.</p>	<p>A Minerals and Waste Local Plan is to be prepared by Herefordshire Council and this will not be a matter for neighbourhood plans.</p> <p>There is one primary consideration that neighbourhood plans should consider, however, and this is expressed in Saved Herefordshire Unitary Plan Policy M5 relating to safeguarding mineral reserves:</p> <p><b>M5 Safeguarding mineral reserves</b></p> <p>Proposals which could sterilise potential future mineral workings will be resisted in order to safeguard identified mineral resources. Where such development is proposed, the applicant may be required:</p> <ol style="list-style-type: none"> <li>1. to undertake a geological assessment of the site; and/or</li> <li>2. to protect the minerals in question; and/or</li> <li>3. to extract all or part of the mineral reserves as part of or before the other development is permitted.</li> </ol> <p>In such cases mineral extraction will only be required when the need for the other development significantly outweighs the harm which extraction might cause to other matters of acknowledged importance.</p>	<p>Mineral issues are not appropriate to a neighbourhood plan. However, no proposals are advanced in this plan that might affect any currently defined area where mineral reserves are to be safeguarded.</p>

## Section 4 – Compliance with European Obligations

European Obligation	Pembridge Neighbourhood Development Plan Provisions
<p>Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive)</p>	<p>The SEA (July 2017) for the Draft Neighbourhood Development Plan concluded that:</p> <p><i>‘On the whole, it is considered that the Pembridge NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Nor does it propose any growth that would be over and above that prescribed by strategic policies. However, there is a concern that Policy PEM11 ‘Intensive Livestock Units’ needs to be more structured and specifically address environmental issues and land use issues in a more direct policy.’</i> (Non-Technical Summary).</p> <p>The detailed analysis within this assessment was subsequently reviewed following changes to the draft plan in order to produce the Submission Draft Neighbourhood Development Plan.</p> <p>The conclusion expressed in relation to Policy PEM11 has been acknowledged although it is noted this has been expressed in terms of policy structure, seeking it to be more direct, rather than content. The policy seeks to address the protection of the environment, especially in view of the effect on water which is a matter of considerable concern across most of the County. In addition, the effects on residential amenity were reviewed and the approach adopted is considered to meet the SEA requirements. Having reviewed similar policies for areas where there is a similar issue, it is considered that the policy is consistent with policies adopted elsewhere that would have complied with the SEA requirements (see Appendix 1). It is considered that Policy PEM11 is primarily an environmental one and will have positive effects in relation to most of the SEA objectives (Nos 4 – 12) rather than being unclear as suggested.</p> <p>The SEA (May 2018) of the Submission Draft Neighbourhood Development Plan, produced by Herefordshire Council, maintained its previous conclusion (Non-Technical Summary)</p> <p>The conclusions of the SEA for the Submission draft NDP (July 2017) indicated that:</p> <p><i>‘Regulation 14 Draft Plan Consultation – There were amendments to numerous policies the Draft Plan stage; these changes were necessitated by comments received during the consultation period. Policies PEM6, PEM7, PEM11, PEM14, PEM20, PEM22 and PEM24 were amended substantially in light of the consultation comments to add additional clarification on the criteria for local allocation of new development in accordance with Herefordshire Councils guidelines.’</i></p> <p>Rescreening in the light of changes which are incorporated into the Submission Draft Plan indicates</p>

	<p><i>'The amended policies PEM6, PEM7, PEM11, PEM14, PEM20, PEM22 and PEM24 were re screened for their cumulative impact over the course of the plan period. The results of this assessment, shown at Appendix 8, reveal that the outcomes Stage B of the SEA process mentioned above were largely unaffected by the refinements. The conclusion for amended policies PEM6, PEM7, PEM11, PEM14, PEM20, PEM22 and PEM24 is that these criteria based policies will have no significant effects towards the surrounding environment.'</i></p> <p>(See paras 6.10 and 6.11 of the SEA May 2018)</p> <p>It also concluded:</p> <p><i>'None of the NDP policies are considered to be in direct conflict with or propose greater levels of growth and development than strategic policies contained in the Local Plan (Core Strategy), which themselves have undergone a full Sustainability Appraisal.'</i> (Paragraph 6.9)</p>
<p>Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species.</p>	<p>Screening of the Pembridge Neighbourhood Development Plan within the Habitats Regulation Assessment (HRA) Addendum Report (May 2018) reviewed the findings of the previous HRA (July 2017) and considered the effects of the changes to the draft plan that were made to produce the Submission Draft Plan. This concluded that the Submission Draft Pembridge NDP</p> <p><i>'4.1 With reference to section 3 above, the additional criteria and amendments to Policy PEM6, PEM7, PEM11, PEM14, PEM20, PEM22 and PEM24 are not considered to affect the findings of the previous HRA report. On the contrary; they strengthen the likelihood of there being no adverse impacts.</i></p> <p><i>4.2 Therefore the earlier conclusion that the <b>Pembridge NDP will not have a likely significant effect on the River Wye SAC</b> remains valid.'</i></p> <p>In addition, the HRA (May 2018) para 2.6 also concluded that <i>'..... the Pembridge Neighbourhood Development Plan will unlikely have any in-combination effect with any plans from neighbouring parishes.'</i></p>
<p>Human Rights</p>	<p>The policies within the Plan are considered to comply with the requirements of the EU obligations in relation to human rights.</p>
<p>Water Framework Directive</p>	<p>The Environment Agency has not indicated that any proposals within this Plan would conflict with measures and provisions it is advocating to meet its obligations under this Directive as set out in the Severn River Basin Management Plan or the River Wye Nutrient Management Plan.</p>



## **APPENDIX 1 - Policy PEM11: Intensive Livestock Units**

- 1.1 In drafting the policy, the Parish Council was aware that planning decisions in relation to intensive livestock units within Pembridge has raised a number of concerns within the local community. Policy PEM11 is one that is unusual for a neighbourhood plan to cover but it is considered relevant to Pembridge and a limited number of surrounding parishes because of the high number of such units that have already been located within their areas and concerns about the cumulative effect. The policy covers following aspects all of which are highlighted as issues that should be addressed by the NPPF:
1. Effect upon the landscape.
  2. Effect of traffic on the local highway network.
  3. General effect on residential amenity.
  4. Effects of disposal of waste to avoid pollution and adverse effects on biodiversity.
- 1.2 Nine concentrations of poultry units are located within the Parish and a number of these have anaerobic digestion units/biomass boilers associated with them. In all there are currently 7 of the latter (See Annex 2). This is a significant number to be located within one parish. There are others in bordering parishes. As a consequence, there is a concentration of potentially polluting activities that might result in emissions to both air and water. The cumulative effects on both residential amenity and biodiversity are relevant to planning decisions.
- 2. Effect on the Landscape**
- 2.1 Significant parts of the Parish are identified as either 'Principal Settled Farmlands' or 'Principal Timbered Farmlands' with small compartments of 'Riverside Meadows' (to east) and 'Wet Pasture Meadows' (to west) located along the banks of the River Arrow.
- 2.2 Principal Settled Farmlands are settled agricultural landscapes with dispersed scattered farms and small villages and hamlets served by small winding lanes. The scale of the field pattern is important as is the nature and density of settlements. In terms of the impact development may have on this landscape type, the hedgerow pattern, which is the most significant feature of this landscape, and tree cover should be retained or strengthened. The landscape is considered capable of accommodating only limited new development. Intensification of farming practices is also resulting in a simplistic visual uniformity as landscape character is eroded. Development pressure in many of these areas has resulted in a distinctly nucleated or clustered settlement pattern which is contrary to the landscape character.
- 2.3 Principal Timbered Farmlands often comprise landscapes where pressures to convert to arable land use is resulting in the loss and fragmentation of hedgerows and tree cover. Associated development pressures have resulted in development that does not

respect the characteristic settlement pattern set among winding lanes. Development pressures have generally not respected the characteristic settlement pattern.

- 2.4 Wet Pasture Meadows are flat, low-lying and largely uninhabited landscapes. They are generally unsettled landscapes. Riverside Meadows are linear riverine landscapes associated with a flat, generally well defined, alluvial floodplain, and in places framed by steeply rising ground. Settlement is typically absent, and the landscape accommodates a degree of annual flooding. Where built development has been undertaken, the resulting risk of flooding has often been overcome by the construction of uncharacteristic structures such as bunds, flood walls or flood relief channels. Built development within them is to be discouraged.
- 2.5 These descriptions from Herefordshire Council's Landscape Character Assessment suggest that the landscape within the Parish is very sensitive. Consequently, the effect of relatively large-scale development, such as that comprising intensive livestock units, upon all the landscape types will have major effects and where this is adverse it should be given significant weight.
- 2.6 The inclusion of a criterion-based approach to ensure landscape characteristics are taken into account in any policy covering the landscape effects of intensive livestock units is required through NPPF paras 17 and 113. The need to encourage tree screening is particularly relevant as a criterion.

### **3. Effect of traffic on the local highway network**

- 3.1 The ability of the highway network to accommodate traffic safely and within its capacity are material considerations (NPPF paras 35 and 162) for many forms of development for which planning permission is required and specialist highway advice is received where appropriate. However, the advice from Highway Engineers relates to effects on the highway network and not the effects of traffic on residential amenity. The parish council wishes to be assured that this latter aspect, which is a matter for planning advice as opposed to highway advice, is not disregarded, and hence referred to specifically in the policy (NPPF para 35 bullet 3; para 69 bullet 3; para 58 bullet 2; and HCS Policy SD1). Similarly, the effects of traffic on the historic environment is a material consideration of significant importance to Pembridge village given the presence of many important heritage assets, and again is not a matter that should be judged by highway engineers but those qualified to consider the need to preserve such assets, their features and settings (NPPF para 126).

### **4. General Effect on Residential Amenity.**

- 4.1 The other more general effects on residential amenity are most likely to arise from pollution, in particular emission of odour. The NPPF guidance sets out at paragraph 17 that "*Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-*

*taking*". The guidance then lists 12 bullet points setting out these principles, and in relation to protecting amenity says that the planning system should:

*"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;"*

In terms of the potential for odour and other potential pollution arising from development to impact on neighbours, paragraph 109 of the NPPF states that:

*"The planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability..."*

- 4.2 Paragraph 122 of the NPPF sets out that planning authorities should focus on whether the development itself is an acceptable use of the land rather than the control of emissions or processes where these are subject to existing environmental controls:

*"..... local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively".*

- 4.3 With respect to odour and aerial emissions, although pollution control regimes are complimentary to the requirement to protect amenity it is noted that air or odour pollution might occur at higher levels than required to adversely affect amenity, because levels approaching equivalence with nuisance are covered by a more demanding test than protecting amenity. The tests are not the same. In relation to odour emissions development that is consented and constructed may be regulated by the Environment Agency as an "installation" under the Environmental Permitting Regulations (EPR). Should it not fall under the EPR any future odour impact of the development would be regulated by the local authority, through the 1990 Environmental Protection Act nuisance legislation.
- 4.4 Herefordshire Council as local planning authority should be primarily concerned with whether or not the proposed development can be a compatible land use alongside the existing developments and land uses in the area if the proposed activity is assumed to be effectively regulated by the Environment Agency or its role within Environmental Health. In this regard it should not simply assume that if there are no objections from either of these bodies, that the planning requirements in relation to NPPF paragraphs 17, 119 and 122 have been met, i.e. local planning authorities should not assume that an EPR permitted installation is a suitable use of land simply because it is a permit regulated activity (See Annex 3 which refers to advice to this effect from the Environment Agency). The local planning authority has to be mindful that effective on-going regulation of a permitted activity does not equate to an absence of all environmental impacts and does not in itself provide protection of amenity.

- 4.5 Defra guidance advises that the use of the statutory regulatory regime may not fully address amenity issues and it is important to understand that in practice this does not necessarily equate either to removing an odour, or even an absence of impact on amenity. In this regard it should be noted that for off-site odours from permitted installations such as intensive livestock installations, the Environment Agency adopts more or less the following standard permit condition

*"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour"*

The effect of this is that even if there is annoyance, provided the operator is using Best Available Techniques or 'appropriate measures' to minimise the odour then the Environment Agency will accept that residual off-site odours will not be a permit breach. In such instances where there are adverse impacts on local amenity as a result of odours, then local residents would simply have to tolerate these odours. There is no requirement with the Environment Agency standard odour permit condition to prevent all odour annoyance, nuisance or complaints, or indeed all adverse impacts on amenity. An Environmental Permit by the Environment Agency does not provide any guarantee that the amenity of local residents will be protected. Only limited weight should be given to the fact that any proposed development has been granted an environmental permit when considering if such development is an appropriate land use for a particular location with respect to the potential for adverse impacts on local amenity.

- 4.6 It is therefore far more effective, and in fact essential to protect residents from any significant adverse impact on amenity from odours at the planning application stage than to seek to abate a statutory nuisance from odours retrospectively. Defra published guidance (2010) to assist local authorities address odour matters which promotes proactively preventing odours impacting on amenity at the planning stage.

*'The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves.'*

Post-development regulation should not be relied upon when determining the appropriateness of proposed land uses.

- 4.7 Relevant local planning policy is currently set out in Herefordshire Local Plan Core Strategy policy SD1 (Sustainable design and energy efficiency) which states:

*"Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements (inter alia):*

- safeguard residential amenity for existing and proposed residents;*
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;*

*•where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective;”*

This is a very general policy and does not address the specific potential effects of intensive livestock units upon amenity.

4.8 In this regard, examples of policies utilised elsewhere were sought to inform a policy for PNP and it was found that one often quoted is that in the former county of Humberside for which specific policy guidance was drafted in 1984 and minor revisions were made in 1992 (Beverly Local Plan – East riding of Yorkshire – See Annex 1). A key element of this policy plan was that intensive livestock units should not be established within 400m of dwellings, or in some case 800m of protected settlements, although it suggests the latter may be unduly restrictive. The planning policy recognised the risks of adverse odour impacts arising from intensive livestock installations at quite considerable distances from the farm buildings. The policy approach has been used without legal challenge. There is no similar policy for Herefordshire Council’s area yet given the significant level of such developments and their concentrations within Pembridge and its surrounding parishes the implication is that particular attention should be paid to the potential for adverse odour impacts where intensive livestock units are situated within 400m of residential developments/receptors. Notwithstanding advice upon the use of dispersion modelling of odorous emissions the Chartered Institute of Water and Environmental Management<sup>1</sup> advises that “in the absence of conclusive UK based research, the selection of the most appropriate odour impact criterion should be determined upon, depending on both the objective of the assessment, the nature of the odour under assessment and the sensitivity of the affected local population, where relevant.”

4.9 Given that the planning system must consider amenity not statutory nuisance or Environmental Permitting Regulatory requirements in relation to the potential odour emissions from intensive livestock units within Pembridge Parish, the provisions within Policy PEM11c) represent what the local population consider to be an appropriate odour impact criterion that is based upon that which has been used for planning purposes elsewhere. Pembridge should be considered a protected settlement in this regard because of its level of habitation, concentration of services and facilities which need to be retained for other sustainable development purposes, and most particularly it contains a primary school on its outskirts where amenity considerations should be given a high priority.

## **5. Effects of the disposal of waste to avoid pollution and adverse effects on biodiversity**

5.1 Poultry units have the potential to impact upon designated sites (SSSIs and SACs) within the wider environment via production of aerial emissions of ammonia and deposition of acid and nitrogen. Policy PEM11 criteria e) and f) of this policy address the issue of waste disposal arising from any intensive livestock operation, in so far as the effect this may have on amenity and biodiversity. Herefordshire Council has yet to prepare its Minerals and Waste Development Plan Document so the saved policies from its Unitary Development Plan (UDP) are presumably still relevant. An objective

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<sup>1</sup> <http://www.ciwem.org/wp-content/uploads/2016/04/Control-of-odour.pdf>

within the UDP is to ensure that waste management is considered in all development proposals. Another relevant objective is to protect the environment from the adverse impact of waste development and where possible improve environmental quality. In respect of these objectives UDP Policy S10 states:

*"The sustainable and efficient management of waste will be sought by:*

- 2. ensuring that the impact of proposals for the collection, storage, handling, treatment, disposal and transportation of waste can be mitigated to an acceptable extent, with particular attention paid to the impact on human health and the environment;*
- 5. ensuring that all development proposals give due consideration to the waste they will generate, in accordance with the above principles."*

- 5.2 More detailed waste policies that are relevant to infrastructure associated with intensive livestock units that contain matters that might affect amenity include (relevant extracts):

*Policy W1: New waste management facilities*

*"Planning applications for new waste management facilities which do not fall into Class B1 and B2 will only be permitted where the site is not affected by one or more primary constraints or two or more secondary constraints except where:*

- a. in the case of sites affected only by two or more secondary constraints, such constraints can be satisfactorily mitigated; or*

*Primary Constraints*

- 2. Sites and species of international and national importance to nature conservation;*
- 3. Scheduled Ancient Monuments and other sites of national or regional archaeological importance;*

*Secondary Constraints*

- 1. sites and species of local importance to nature conservation; ;*
- 3. land within or abutting a conservation area;*
- 4. archaeological sites of lesser Regional or Local Importance;*
- 5. where the site does not have direct access to an 'A' or 'B' class road;*
- 6. any adverse visual impact the development would have upon the landscape character of the area;*
- 7. best and most versatile agricultural land;*
- 8. ancient semi-natural woodland.*

*Where a proposal satisfies the above constraints, applicants will also be required to submit evidence to demonstrate the extent to which the development impacts on:*

- people and local communities;*
- natural and cultural assets;*
- the highway network and other public rights of way;*
- public open space; and*
- air, soil and water resources.*

*Unless such impacts can be satisfactorily mitigated, planning permission will be refused."*

#### *Policy W3 Waste transportation and handling*

*"Development that is likely to give rise to the transportation and handling of waste materials will only be permitted where appropriate measures to protect the public and the environment can be implemented and enforced."*

#### *W5 Waste management licensing*

*Where development is not covered by the Waste Management Licensing process, or where it would be granted an exemption from the process, conditions will be imposed on any planning permission granted, in the interests of the protection of amenity and matters of acknowledged interest.*

- 5.2 Intensive livestock units generally give rise to commercial waste. In view of these policies and the absence of any Waste Local Plan/DPD it is considered right and proper for a planning policy to be included to cover protection of biodiversity as a consequence of waste arising from any intensive livestock units so that the matter is dealt with comprehensively. As a consequence, Policy PEM11 covers:
- a) Storage compounds and lagoons; and
  - b) The method of handling and disposal of manure waste, with the exception of its use in anaerobic digestion of as biomass, which would be covered through policy PEM14.
- 5.3 In relation to b) it may be important to consult another local authority through the duty to co-operate, and for this purpose it is necessary to know where any manure waste is to be transported to.
- 5.4 The spreading of commercial manure waste may result in odour pollution and this is relevant for reasons explained in the previous section. The two provisions in this policy are all the more important because of the problems encountered within the County in relation to water quality, pollution of rivers, their special designation, and the provisions within the Nutrient Management Plan to address diffuse pollution, the preparation and implementation of which played such a significant part in Herefordshire Council's evidence supporting housing growth.

- 5.5 Although there are Environmental Permitting Regulations that cover these issues, they are again matters that are also addressed through any planning application in terms of effect of waste disposal and associated matters. Consequently, the approach applying to protection of amenity from odour covered under the previous section apply and it is also relevant to the protection of biodiversity. It is also important that Herefordshire Council has regard to Section 40 of the Natural Environment and Rural Communities Act 2006 and, more particularly, Section 28G of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). It is likely that in some instances Herefordshire Council will have to undertake appropriate assessments in association with then Environment Agency to determine whether proposals will have a significant effect in the River Wye SAC under the Habitats Regulations.
- 5.6 Manure waste is a form of commercial waste and its spreading is an operation of handling and disposal. As a consequence, it is considered relevant to planning policy having previously been an issue addressed through Herefordshire UDP as commercial waste within its relevant waste policies. Herefordshire Council has not objected to a policy on intensive livestock units in principle and it ought usefully to be as comprehensive as possible.
- 5.7 It has been noted that Shropshire Council is preparing interim guidance on the assessment of poultry units and their impact on designated sites within the planning application process and this will cover matters that Herefordshire Council appear to be advising fall outside of its remit but to that of environmental health or the Environment Agency (See Annex 3). Shropshire Council's approach is consistent with the DEFRA advice that the matter effect on biodiversity (and amenity) are relevant material considerations in planning decisions on intensive livestock units. The River Arrow flows into the River Lugg SSSI and subsequently the River Wye SAC and consequently the matters may be material considerations to relevant planning applications within the Parish. The River Lugg SSSI currently forms part of the River Wye SSSI and is failing to meet its water quality targets.

## **6. Conclusion**

- 6.1 The justification of the policy is based upon protecting landscape, amenity and biodiversity. All these matters are reasonable for inclusion within this NDP.

# Annex 1

## Extract from Beverley Borough Local Plan – East Riding of Yorkshire (1992)<sup>2</sup>

### 10.0 INTENSIVE LIVESTOCK UNITS (ILU)

#### BACKGROUND

**10.1** The plan area is popular for rearing livestock in confined conditions. These livestock units have given rise in the past to public complaint mainly about the unacceptable smells which arise from the storage and spreading of manure. The Council will apply the following policies to ensure that the well-being of the community is safeguarded while maintaining an efficient and viable farming industry. These policies are based on the former Humberside County Council's Intensive Livestock Units Local Plan, which was first adopted in 1984 and subsequently amended in 1992. That Plan is now superseded by the policies in this Plan (see paragraph 1.26). The policies below set out clear criteria regarding the development of Intensive Livestock Units and of occupied buildings near to them, so planning applications can be judged accordingly.

**10.2** For the purposes of this Plan:

i) an 'Intensive Livestock Unit' will be defined as buildings and associated works (for which specific planning permission is required on application) for the permanent indoor housing of pigs, poultry or cattle and also those for housing such livestock indoors for only part of the time if a slurry" system is to be adopted.

ii) 'Occupied Buildings' will be defined as any permanent building or caravan site normally occupied by people, or intended for occupation by people, except a building or caravan within the same agricultural unit as the livestock unit.

#### Siting of Existing Units

**10.3** Little can be done to rectify the poor siting of existing units and any opportunity for obtaining an overall improvement in environmental conditions through development affecting the Unit's continued operation needs to be taken.

#### Policy ILU1

**Development proposals at an intensive Livestock Unit which will result in an overall improvement of existing conditions from an amenity point of view will be approved.**

**10.4** Conflict arises where new development takes place close to an existing intensive livestock unit. People moving into such development often subsequently complain about the unit itself and/or the manure spreading. The avoidance of such conflicts is considered preferable to trying to deal with them after they arise.

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<sup>2</sup> [https://www.eastriding.gov.uk/planning/pdf/beverley\\_final/beverley/written\\_state/section10.html](https://www.eastriding.gov.uk/planning/pdf/beverley_final/beverley/written_state/section10.html)

NB – This link was available until recently and used in formulating Policy PEM11 during the preparation of this NDP and since checking it appears to have been deleted recently, probably as work upon East Riding of Yorkshire Core Strategy has progressed. Reference to these as Saved Policies (prefixed ILU) can be seen at: <file:///C:/Users/User/Downloads/Beverley%20-%20Saved%20Policies.pdf>

**10.5** The precise amount of separation that is appropriate depends to some extent on the nature and duration of the activities involved. Housing and developments such as caravan sites, hotels, restaurants, schools and hospitals seem to be most sensitive and need to be kept furthest away. In other cases, including developments which involve the adaptation of disused farm buildings, some relaxation of the policy may be appropriate.

**10.6** Where there is already an Intensive Livestock Unit in a settlement it would not be possible to adhere to this policy and an exception has had to be made.

' Manure: Animal faeces and/or urine in any form, including slurry, traditional farmyard manure and other materials with straw, wood shavings, sawdust, etc.

"Slurry: Animal faeces and urine that contains little or no added water (undiluted slurry) or with water (diluted slurry).

## **Policy ILU2**

**Proposals for new Occupied Buildings which are located within a distance of 400 metres from an existing Intensive Livestock Unit or Manure storage areas will not be approved with the exception of those units or storage areas which are already situated within development limits.**

**10.7** Most planning applications are for development at existing units and it is necessary that amenity be safeguarded. Applications will be determined on their individual merits but where a unit is not currently being operated satisfactorily, further development will be allowed only if some overall improvement will result, in accordance with Policy ILU 1. Reference to a recognised professional advisor is recommended when preparing a submission.

## **Policy ILU3**

**Proposals for further development of existing intensive livestock units, for which specific planning permission is required, will be approved only where it can be demonstrated that the enterprise is being and will continue to be operated satisfactorily from an amenity point of view or where an overall improvement in existing conditions from an amenity point of view will result (see Policy ILU1).**

## **Development of New Units**

**10.8** In order to minimise future conflict between the public and intensive animal units it is considered that there should be a protective distance between occupied property and new livestock units. However, in order to maintain viable livestock production it is necessary to accept reduced protection in the more rural parts of the Plan Area and apply more restrictive standards only in the vicinity of the Hull Urban Area, Urban Centres and Selected Settlements. For the purposes of this Plan, land falling within the relevant protective distance will be referred to as 'protected areas'.

**10.9** All protective distances should normally be measured from the edge of the curtilage of the Unit buildings and should be subject to modification in detail to allow account to be taken of local factors such as climate, particularly prevailing wind, and topography and of individual circumstances, for example, the size and operating hours of the unit. The distances should be related to field boundaries or some clear physical feature wherever practicable.

**10.10** In the case of the Hull Urban Area, the Urban Centres and Selected Settlements within the Plan Area, a protective distance of 800 metres should normally be maintained from the development limits as set out in the Proposals Map.

**10.11** In the case of Non-Selected Settlements and in the open countryside where agriculture is predominant, the rigid application of an 800 metres protective distance would be unduly restrictive. It would, therefore, be preferable for applications to be dealt with on their merits depending on local circumstances such as the size of the settlement. Normally a protective distance of 400 metres should be maintained, though the protective distance around isolated dwellings would not be as great. A minimum distance of 100m will only be acceptable in exceptional cases and whilst it may be appropriate in some circumstances for the siting of livestock buildings themselves, for slurry spreading and for some associated works such as slurry storage installations, a minimum of 200m will be required unless an effective treatment system which reduces smell is to be used. Where possible, manure storage areas should be sited away from public roads, footpaths and bridleways.

**10.12** In addition, the National Rivers Authority (NRA) may require restrictions on the siting and design of units near to sources of water supply and watercourses.

#### **Policy ILU4**

**Development proposals for new Intensive Livestock Units and associated structures including earth walled storage compounds or lagoons will be approved only if sited a distance of 600 metres or more from the development limits of the Hull Urban Area, the Urban Centres or the Selected Settlements and a distance of normally 400 metres from the development limits of the Non-Selected Settlements.**

**10.13** Recent government advice and other policies in this Plan (principally Policies E14-E18) recognise the importance of protecting sites of nature conservation value. Only a small proportion of the Plan Area is covered by SSSI's and they should therefore deserve to be given some priority but many other areas deserve protection. Intensive Livestock Units could damage such sites in a number of ways, e.g. transfer of diseases, nutrient enrichment of habitats or loss of amenity for visitors. It will seldom be possible to accurately quantify such risks but, when looking at particular cases special consideration should be given to the relative importance of certain sites, particularly the Humber Estuary, which has considerable international significance.

#### **Policy ILU5**

**New Intensive Livestock Units and associated structures will not be allowed where they, or their related slurry or manure spreading areas, would have significant adverse effect on Sites of Special Scientific Interest or other statutorily designated nature conservation sites or would significantly affect other sites of nature conservation importance (see Policies E14 to E18).**

**10.14** Other policies in this Plan are designed to limit any adverse environmental effects of Intensive Livestock Units to an acceptable level. It is recognised that this does not mean that such effects will be completely prevented. Therefore, there remains a danger that a number of units around a particular locality will jointly cause effects that are unreasonable. In considering a planning application for the expansion of an existing unit or the establishment of a new unit the Council will consider the adverse effects already being experienced and whether they are likely to be made significantly worse by the development of further units.

**10.15** In addition, Policy ILU2 of this Plan limits development near Intensive Livestock Units. In exceptional circumstances, for example where several units would surround a settlement, this may lead to a situation where otherwise appropriate or necessary development is unreasonably restricted.

#### **Policy ILU6**

**If, in any locality, the existence of a number of Intensive Livestock Units means that any further units would cause an increase in adverse environmental effects to an unacceptable degree and/or seriously restrict reasonable expectations of further**

**development of a settlement in accord with the provisions of the development plan, then such further units will not be allowed.**

### **Availability of Land for Spreading Liquid or Solid Manure**

**10.16** In view of the possible loss of amenity from the manure associated with a high density of livestock in any one area, it is essential that sufficient and suitable land is available for spreading. Where it is necessary to transport manure from units to spreading areas special care should be taken to ensure that this is done in an acceptable manner from an amenity point of view. Wherever possible, transport through residential areas should be avoided.

**10.17** 'Sufficient land' is regarded as that which is recommended in current MAFF advice. This may be determined on the basis of the available nutrients produced by a given number of livestock and the nutrient requirements of the crops grown. Broad guidelines are given in Appendix 9. Subject to the prior agreement of the Council, the amount of land required for spreading may be reduced if a suitable agreement to dispose of manure in some other acceptable manner can be reached. If this involves transportation away from the unit care should be taken to ensure that suitable means of transport will be used to avoid environmental problems.

**10.18** 'Suitable land' is that which is outside the 'protected areas'. Regard must also be given to any additional restrictions required by the NRA. Where an effective purification system that will significantly reduce smell is to be used consideration can be given to allowing the use of land which would not otherwise be regarded as suitable.

**10.19** Where land not under an applicant's own control is to be used, steps should be taken to ensure that agreements with other landowners are adequate and binding and that the land in question will be used for manure spreading so that the total manure load does not exceed that recommended in current MAFF advice. Where required, agreements should normally be in place before construction is allowed to proceed. Consideration should also be given to the alternative arrangements to be made in the event of such an agreement being terminated.

**10.20** The following matters will also be relevant when the Council is considering planning applications for expansion of existing or establishment of new livestock units:

- i) pollution of water supplies and possible contamination of water courses; ii) geology and soil types;
- iii) soil analysis and cropping programme; iv) type of effluent system to be adopted; v) amenity aspects of the development;
- vi) need to transport slurry or manure through residential areas; vii) the effects on sites of nature conservation importance.

Recognised professional advice can be obtained on items ii) to iv). English Nature can advise on item vii).

### **Policy ILU7**

**Proposals for new, or for the further development of existing, intensive livestock units, for which specific planning permission is required, will be approved providing sufficient suitable land is available for spreading manure either under an applicant's own control or by agreement with another farmer. The installation and use of an effective purification system will be taken into account when assessing the suitability of available land.**

### **Manure Handling - Slurry Systems**

**10.21** In order to avoid too much slurry being spread on a given area of land which could give rise to smell and hydrological problems, it is necessary to define a maximum amount of slurry which should be applied in some situations and it is therefore proposed that this should form the basis of planning conditions in appropriate cases. An extract from the Code of Good Agricultural Practice is reproduced at the end of this Plan (see Appendix 9).

**10.22** Reduction of the frequency of slurry applications is important in minimising nuisance caused. Efforts should also be made to spread most slurry during the growing season and as little as possible at other times.

**10.23** Amenity preservation, maintenance of unpolluted water supplies and other considerations such as soil types and rainfall may require modification of the recommended application rates.

**10.24** Early consultation between developers, recognised professional advisors and the Council will assist in agreement upon suitable rates in particular circumstances. The Council favour methods of disposal which reduce the dispersal of odours to the atmosphere.

**10.25** Means of spreading that involve spraying slurry into the air, such as rain guns, should be avoided, and spreading should not be done when wind is blowing towards housing or when it is likely to cause nuisance. Spreading should also be avoided at week-ends and bank holidays whenever possible. Arable land should be cultivated as soon as possible after slurry has been applied to help reduce smell nuisance.

**10.26** Slurry spreading is the cause of most complaints and to safeguard amenity it is best kept away from housing. It would not be reasonable, however, to impose the same restrictions on all classes of settlement and as with policies for expansions of existing and new units above, a distinction has been made.

**10.27** Reference should be made to the appropriate region of the NRA for further detailed information, when spreading and storage of slurry, diluted or otherwise, are proposed. A Guide on Policy and Practice for the Protection of Groundwater is available from the NRA.

## **Policy ILU8**

**Proposals for new, or for the further development of existing, intensive livestock units for which specific planning permission is required, will be approved providing that:**

**a) the spreading of slurry will be restricted to land outside the protected areas unless it is proposed to use some method of treatment or application capable of significantly reducing smell nuisance.**

**b) the maximum quantity of slurry to be spread will be controlled in accordance with the MAFF Code of Good Agricultural Practice, taking into account the time of year, the crop and the type of soil.**

**10.28** Problems can arise when slurry is spread frequently on the same area of land or when spreading takes place under adverse weather or ground conditions and it is therefore important that operators are able to avoid these circumstances arising. Normally four months storage capacity will be adequate to protect amenity, and in many instances a smaller capacity might be acceptable. If an operator is prepared to install a suitable treatment plant this will be taken into account when assessing storage capacity requirements.

**10.29** The onus for ensuring that storage is adequate and that the unit is managed properly to avoid environmental problems rests firmly with the operator. It is necessary to separate normal surface

water run-off from that of contaminated areas. References should be made to the NRA for further information and assistance.

**10.30** Problems have occurred in the past with lagoons used for storing slurry from several independent units. Such 'communal' lagoons can cause problems arising in particular from the need to transport manure, the volume of slurry stored and the increased frequency in spreading. Proposals for communal lagoons will only be approved in exceptional circumstances, for instance where it can be demonstrated to the satisfaction of the Council that there will be an overall improvement of existing conditions from an amenity point of view

**10.31** It is recommended that informal preliminary discussions with all relevant interested bodies should take place so that any problems may be sorted out in the early stages of the development.

### **Policy ILU9**

**Proposals for new, or for the further development of existing, intensive livestock units, for which specific planning permission is required will be approved providing that enough storage capacity will be provided to avoid too frequent spreading or the need to spread in unsuitable circumstances. The design of the storage arrangements should be such that the chance of spillage or seepage is reduced to a minimum. In the case of above ground storage, further precautions may be required to prevent any accidental spillage or seepage causing pollution.**

**Proposals for 'communal' storage lagoons will only be approved where there will be an overall improvement of existing conditions from an amenity point of view.**

### **Poultry Manure**

**10.32** The spreading of poultry manure has generally given rise to less problems than slurry. Nevertheless, it can cause offence and needs to be restricted close to occupied buildings. It also seems undesirable to site manure heaps close to areas of public access if it can be avoided. Under normal circumstances, it can be expected that manure from litter-based poultry units will be less offensive than other forms, if suitable litter material, such as wood shavings, sawdust or chopped straw is used. In these cases it may not be necessary to insist upon the full protective distance.

### **Policy ILU10**

**Proposals for new, or for the further development of existing, intensive livestock units will be approved providing that poultry manure will not be stored or spread on land within 400 metres of occupied buildings in the Hull Urban Area, Urban Centres and Selected Settlements or 200 metres elsewhere, unless it can be demonstrated that no offence will be caused to occupied buildings within that protective distance. Where possible, manure storage areas should also be sited away from public roads, footpaths and bridleways. Provision should also be made for the collection and disposal of disinfectant and wash water without causing pollution.**

### **Other Manure**

**10.33** As straw manure does not have the noxious smell that is associated with slurry and some poultry manure and is more acceptable to members of the public, there seems to be no reason why restrictions should apply to spreading areas if it is applied in suitable quantities.

**10.34** When a straw system is to be installed, careful attention must be given to permanent areas for dung storage within the farmstead to prevent seepage and pollution. Specifications or

recommendations for a suitable base on which to store the dung, along with the other requirements, can be obtained from a recognised professional advisor.

### **Policy ILU11**

**Proposals for new, or for the further development of existing, intensive livestock units, (or which specific planning permission is required will be approved providing that any spreading of manure other than slurry or poultry manure in protected areas is done in accordance with the amounts recommended in the MAFF code of practice.**

### **Use of General Purpose Buildings**

**10.35** It is appreciated that farmers must occasionally use such buildings in emergencies or for short periods, but housing of livestock in buildings not designed for them can lead to unsatisfactory conditions and smell nuisance.

### **Policy ILU12**

**Development proposals to use existing general purpose buildings for the permanent housing of livestock will not be approved where such an enterprise will be based upon a slurry system; conditions to this effect will therefore be included in future permissions for general purpose buildings for which specific planning applications and permissions are required.**

### **Appearance**

**10.36** In the interests of visual amenity unobtrusive siting and landscaping of new agricultural buildings in the countryside are desirable in view of the size and materials now common with such buildings. The planning authorities will consider the details and at the same time take into account any special circumstances.

### **Policy ILU13**

**Units and associated structures should be so sited that they do not intrude into the landscape. Where necessary, tree screening should be included as an integral part of the planning application and/or covered by conditions of planning approval. Materials of construction need to be chosen carefully so that the resulting development fits sympathetically into its rural setting.**

## Annex 2

Livestock (Poultry) Units and Anaerobic Digestion/Biomass Sites within Pembridge Parish:

1. The Yeld - Poultry units and Biomass boiler
2. By Kingspan – Bio digester
3. The Leen – Poultry units and Bio digester
4. Yew tree farm - Poultry units
5. The Yeld – Poultry units and Digester/CHP Unit
6. Milton Farm –Poultry units and Bio-digester
7. Sherrington Farm – Poultry units and biomass boilers
8. Barrow Farm – Poultry units
9. Luntley Farm – Poultry units
10. Rhyse Farm – Poultry units

## Annex 3

### Memorandum



To: Consultee Access

Copy to:

From: Nicola Stone

Date: 28<sup>th</sup> November 2017

My ref: PenanheathFarm17. 05176

Your ref: 17/05176/FUL

**Consultation on planning application: Penanheath Farm, Colebatch, Bishops Castle, Shropshire SY9 5LW**

#### **Recommendation:**

Holding response.

SC Ecology is currently producing an interim guidance note with input from Natural England and the Environment Agency for the assessment of poultry applications and their impact on designated sites in Shropshire. SC Ecology will forward the guidance note to the planning agent and case officer once completed (expected week commencing 11<sup>th</sup> December). Please see the reasoning behind this below.

Intensive agricultural applications will need to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010), or be contrary to MD12, CS17 and NPPF.

### **Impact on Designated Sites**

#### **Designated Sites**

Poultry units have the potential to impact upon designated sites within the wider environment via production of aerial emissions of ammonia and deposition of acid and nitrogen. SC Ecology is currently producing an interim guidance note with input from Natural England and the Environment Agency for the assessment of poultry applications and their impact on designated sites in Shropshire.

The new guidance will detail how to assess the impact of predicted ammonia and nitrogen emissions from intensive livestock units, covering the assessment of direct effects of ammonia and indirect impact from nutrient nitrogen deposition (eutrophication) on designated sites.

The Environment Agency permitting guidance is not suitable to be used in support of a planning application and the EA permitting thresholds i.e. 4, 20 and 100% will not be used in the Shropshire Council planning system.

## **1. Habitat Regulation Assessment**

This application will be considered under the Habitat Regulation Assessment (HRA) process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

The Environment Agency has recently provided the following new information regarding the assessment of intensive farming applications in the planning system to Shropshire Council (14<sup>th</sup> August 2017);

*'It is not within the EA's remit to provide the scientific evidence to support an HRA for a planning application. Independent HRAs are required for both the environmental permit and planning permission applications, and as EA guidance and procedures are specific to the permitting process and are not appropriate for use by planning authorities, there will be occasions when a permit may be granted but a planning permission refused and vice versa. The applicant should be aware of this possibility when they apply for both licences'.*

Recent case law has provided the following information in regards to assessing in-combination effects of plans and projects on designated sites;

*'A High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351. Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed'.*

The following guidance from 'Assessing Projects under the Habitats Directive, Guidance for Competent Authorities' by David Tyldesley & Associates, September 2011 states;

*'In-combination Assessment;*

*In checking for the need for an appropriate assessment it may be concluded that the project could affect the site in some way, but that alone these effects are unlikely to be significant. In such cases the competent authority should check whether significant effects would be likely if the project was combined with other plans or projects. An in-combination assessment is required in order to comply with the Habitats Regulations, and should include any other plans or projects that have been checked for the need for an appropriate assessment and where the following applies:*

***1a) It has been concluded that the other plan or project may affect the site, but the effects are not significant on their own. A number of plans or projects with effects that individually have been determined to be insignificant may still result in a significant effect on the site if all effects on the site are combined.***

*1b) It has been concluded that the other plan or project may have a significant effect alone and where measures have consequently been included to reduce the effect to a level where it is no longer considered to be significant when the plan or project is considered alone, but where the measure applied will not remove the effect completely. Such residual effects could still contribute to a significant effect when considered in-combination with other effects.*

*An in-combination assessment does not need to include any other plans or projects that have been checked for the need for an appropriate assessment and where the following applies:*

*2a) It has been concluded that the other plan or project will not have any effect at all on the site, and thus it cannot have an effect either alone or in-combination.*

*2b) It has been concluded that the plan or project may have an effect on the site and the necessary measures have been put in place to completely remove the likelihood of any effects (that is, avoidance measures are integral to the project)'.*

SC Ecology considers that an in-combination assessment will be required to support this planning proposal. The in-combination assessment must include:

- the background ammonia concentrations and nitrogen deposition at the sensitive receptor.
- if there are other sources that could potentially act in combination and cumulatively at the sensitive receptor such as:
  - o Applications that are submitted to Shropshire Council or Environment Agency but not yet determined;
  - o Livestock units that have permits but are not yet (fully) operating
  - o Livestock units & Planning Applications that started operating or have been granted planning permission after the most recent update of background levels (apis.ac.uk).

The in-combination assessment should try to avoid double-counting by assigning emissions both to background pollution levels and as new plans or projects. These can be located by searching:

☑ the Planning Portal

☐ Notice of Environmental Permit Applications Register - <https://www.gov.uk/government/collections/environmental-permitting-notice-of-applications-made> Register of Issued Environmental Permits - <https://www.gov.uk/government/collections/industrial-emissions-directive-issued-environmental-permits-issued> “

Where assessment shows that the proposal is likely to add to the critical load of the designated site, and where background Nitrogen Deposition levels are already exceeding the lower critical load threshold for the habitat type designated, then control measures will have to be considered to reduce the emissions. When all avenues to reduce the contributions are exhausted and the process contribution from the proposal cannot be lowered to an insignificant amount then the application will be refused (please note ammonia scrubbers can reduce emissions by 75-90%).

SC Ecology will forward the guidance note once completed to planning agents and planning case officers in Shropshire.

## **2. Local Wildlife Sites & Ancient Woodlands**

NPPF Paragraph;

109. The planning system should contribute to and enhance the natural and local environment by:

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

117. To minimise impacts on biodiversity and geodiversity, planning policies should:

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan

SAMDev Plan policy MD12 states:

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire’s natural assets and their conservation, enhancement and restoration will be achieved by:

Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness.

will only be permitted if it can be clearly demonstrated that:

- there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of mitigation then compensation measures will be sought.

Where assessment show that the proposal is likely to add to the critical load of the designated site (Local, National, European designation), and where background Nitrogen Deposition levels are already exceeding the critical load for the habitat type designated, then control measures will have to be considered to reduce the emissions. When all avenues to reduce the contributions are exhausted and the process contribution from the proposal cannot be lowered to an insignificant amount then the application will be refused.

*If the planning case officer is minded to grant the proposal prior to Shropshire Council's interim guidance then please re-consult SC Ecology.*

### **Development within the River Clun Catchment**

This development is within the water catchment for the River Clun and is upstream of the River Teme SSSI and the River Clun SAC. The River Clun SAC is currently failing its water quality targets and Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within the Clun catchment.

Any proposed development within the Clun catchment will need to be supported by detailed information relating to drainage and foul water treatment. Details of the proposed drainage and foul water treatment and discharge should be provided with the planning application including identifying the watercourse to which any proposed discharge will be made, proposed waste water treatment method and an assessment of the nutrient load within any proposed output.

Please send to the applicant a copy of Shropshire Council Guidance Note 12: Development within the River Clun Catchment.

The applicant should also fully address impacts from ammonia emission, Nitrogen Deposition, and increase in sediment flow within the River Clun Catchment.

### **Ecological Assessment**

A planning application on this site must be accompanied by an Ecological Assessment of the land surrounding the proposed development and a discussion of issues relating to protected species which might be present in the area.

The Ecological Assessment should include an extended phase 1 habitat survey of the site, a habitat map and target notes for sensitive ecological features. The Ecological Assessment should also include consideration of any European or UK protected species which might be present in the area and could potentially be negatively impacted by the proposed development. The Ecological Assessment should also include a desk study of historical protected species records and the presence of any designated sites within 1km of the proposed development.

The Ecological Assessment should be carried out by a qualified and experienced ecologist with the relevant protected species licenses. The Ecological Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.

Please contact me if you have any queries on the above.

Nicola Stone

Planning Ecologist

01743-258512