

## Progression to Examination Decision Document



### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Cusop Neighbourhood Area
Parish Council	Cusop Parish Council
Draft Consultation period (Reg14)	15 August to 25 September 2016
Submission consultation period (Reg16)	6 March to 20 April 2017

#### Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> </ul>	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>National infrastructure project</li> </ul>		
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a repeat proposal? <ul style="list-style-type: none"> <li>Has an proposal been refused in the last 2 years or</li> <li>Has a referendum relating to a similar proposal had been held and</li> <li>No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>	Schedule 4B para 5	No

#### Summary of comments received during submission consultation

Natural England	NE does not have any specific comments on this neighbourhood plan.
Historic England	Support for both the content of the document and the vision and objectives set out in it. The emphasis on the conservation of local distinctiveness and the protection of the rural landscape character including important views is highly commendable.
Welsh Water	No further comments to make over and above the Regulation 14 representation
Herefordshire Council – Strategic Planning	Confirmation of general conformity with the Core Strategy.  Full details are contained within Appendix 1.
Herefordshire Council – Development Management	Policy 1 - how is the term <i>normally</i> quantified. The wording differs from RA2 in terms of sites adjacent to the settlement boundary. The term normally needs to be clarified ie when will it be appropriate to look beyond the settlement boundary  Policy 2 - is a long established permission – is this site being included within the proportionate growth target for the CS or should this be met in

	<p>addition to Newport Street allocation</p> <p>Policy 3 - is the 3 bed limit possible in a HMA where evidence suggests the need includes 4+ dwellings too</p> <p>Policy 7 - Is Policy 7 needed in addition to Policy 3 – possible to amalgamate?</p> <p>Policy 8 - what are normal parking requirements? Ref/link to Highways Design Guide?</p> <p>Policy 9 - should this policy also include reference to long term marketing of the site for employment uses</p> <p>Policy 10 - same comment as 9. Need to define what long term marketing means</p> <p>Policy 12 and 13 - would be helpful if the specific viewpoints were identified as this could be open to interpretation.</p>
<p>Herefordshire Council - Environmental Health (contamination)</p>	<p>A review of Ordnance survey historical plans indicate a former railway and road haulage site (potentially contaminative uses) were adjacent to the proposed 'Newport Street Housing Location' (Policy 2) indicated with brown dots on Map 2 – 'Cusop Village polices map'.</p> <p>It is possible that unforeseen contamination may be present at the above mentioned site. Consideration should be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development.</p>
<p>Celia Cundale Resident</p>	<p>In view of our aging population and the desire for people to remain within their local community, it is essential that more suitable housing for the elderly be built and not just for low-income people which seems to be Herefordshire's policy.</p> <p>One long-standing resident has recently been forced to move to Hereford because there was no suitable housing available.</p> <p>Cusop has an abundance of large houses and new dwellings should be restricted to three or fewer bedrooms. Can't understand why permission was granted for three large houses in 'Thirty Acres', it is totally disproportionate to the</p>

	<p>size of the plot and not in keeping with the surrounding houses. Not akin to built-up Surrey than rural Herefordshire.</p> <p>Strongly agree that division of curtilage of an existing dwelling must only be allowed within the settlement boundary. Especially important that Black Lion Green is preserved.</p> <p>Delighted to know that measures are now being taken to avoid light pollution. Particularly important in Cusop Dingle.</p> <p><i>Environmental Report and Habitat Regulation Assessment</i></p> <p>Concerned about pollution in the Dulas Brook</p> <p><i>Cusop Church</i></p> <p>Extremely disappointed why Cusop Church and churchyard are not mentioned in the plan. Acts are an alternative venue to the village hall. Churchyard is an essential community space.</p>
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**Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.**

#### **Officer appraisal**

The plan has met all the legal requirements as outlined above.

A total of 7 comments have been received during the submission consultation. 3 comments from the statutory consultees, many of which had not further comment to add. The Strategic Planning team have confirmed conformity with the adopted Core Strategy and Development Management have indicated some practicalities in the wording with regarding the delivery of the policies. However these issues can form part of the examination process. 1 local resident has provided comments.

#### **Assistant Director's comments**

**Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.**

**The decision to progress to appoint an examiner for the above neighbourhood plan has been Approved.**

A handwritten signature in blue ink, appearing to read 'Richard Gabb', with a horizontal line underneath.

**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 25 April 2017

## Appendix 1

### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Cusop- Regulation 16 submission version

Date: 13/03/17

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy 1- Settlement Boundary	RA2	Y	
Policy 2- Newport Street Housing Allocation	N/A	Y	
Policy 3- New dwellings within the Settlement Boundary	RA2	Y	
Policy 4- Size of Dwellings	H3	Y	Suggested alteration to give the policy more flexibility:  <i>“New dwellings should <del>be</del> consist of <u>predominantly</u> three or fewer bedrooms. Exceptionally, proposals for <del>new</del> <u>larger</u> dwellings of four or more bedrooms will be permitted where they are for single dwellings on small plots and match the character of their immediate neighbourhood.”</i>
Policy 5- Extension of Dwellings	N/A	Y	
Policy 6- Conversion of Residential Buildings	N/A	Y	
Policy 7- New dwellings within the curtilage of existing dwellings	RA2	Y	
Policy 8- Parking	MT1	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
Policy 9- Safeguarding of Newport Street Employment Land	E2	Y	
Policy 10- Extension of Newport Street employment land	E1, E2	Y	
Policy 11- Employment generating proposals outside the Settlement Boundary	RA5, RA6	Y	
Policy 12- Cusop Hill	N/A	Y	
Policy 13- Black Lion Fields	N/A	Y	
Policy 14- Dulas Brook	N/A	Y	
Policy 15- Avoiding Light Pollution	SD1	Y	
Policy 16- Design	SD1, LD1	Y	