

## **Barnsley Metropolitan Borough Council**

### **Decision Statement – Cawthorne Neighbourhood Development Plan**

#### **Planning and Compulsory Purchase Act 2004 & The Neighbourhood Planning (General) Regulations 2012**

#### **Regulation 18 Decision Statement**

##### **1. Summary**

- 1.1. Following an independent examination, modifications are being made to the Cawthorne Neighbourhood Development Plan as set out in Table 1 below.
- 1.2. In accordance with the Independent Examiner's recommendations, the Cawthorne Neighbourhood Plan will proceed to referendum based on the Cawthorne Neighbourhood Area as designated by Barnsley Metropolitan Borough Council on 3 May 2017.
- 1.3. At the time of this decision government legislation in the Coronavirus Act 2020 (section 61) and the associated regulations indicate that any neighbourhood planning referendum which would otherwise have been held between 16 March 2020 and 5 May 2021 is to be held instead on the ordinary day of election in 2021 (i.e. 6 May 2021).
- 1.4. This Decision Statement, the Examiner's report and the draft Submission Cawthorne Neighbourhood Development Plan and the final Cawthorne Neighbourhood Development Plan incorporating the recommendations of the Independent Examiner, together with the supporting documentation are available on the Council's website at [www.barnsley.gov.uk/cawthorne-ndp](http://www.barnsley.gov.uk/cawthorne-ndp) They are also available on the Cawthorne Parish Council website at: [http://www.cawthorne.org.uk/Neighbourhood\\_Plan\\_9813.aspx](http://www.cawthorne.org.uk/Neighbourhood_Plan_9813.aspx)
- 1.5. Paper copies of the Decision Statement and the Examiner's report and the submission and final versions of the Cawthorne Development Plan will be made available for inspection at:
  - The Library @ the Lightbox, 1 The Glass Works Barnsley S70 1GW and:
  - Penistone Library, High Street, Penistone, Sheffield, S36 6BR.
  - As both these libraries are currently closed due to covid19 restrictions, the documents will be made available as soon as possible after the opening of the libraries. Parties wishing to be informed of when paper copies of the documents will be made available at the libraries can contact the Planning Policy section on 01226 772606 or by email at [neighbourhoodplanning@barnsley.gov.uk](mailto:neighbourhoodplanning@barnsley.gov.uk)

##### **2. Decisions and Reasons**

- 2.1. The Examiner has concluded that subject to the specified modifications being made to the Plan, the Cawthorne Neighbourhood Development Plan meets the Basic Conditions stated and other relevant legal requirements.
- 2.2. The Council accepts all the modifications and the reasons put forward by the Examiner for them. The Examiner's reasons and recommended modifications are set out in Table 1. There are three additional change which have been agreed with the Parish Council, which clarify that
  - A reference to Cawthorne Hall Museum Park and Gardens should refer instead to Cannon Hall Museum Park and Gardens.
  - The substitution of an amended plan to show the revised, extended Conservation Area as approved, and referred to elsewhere in the Examiner's report.

- A reference to Local Plan Policy H5 which is titled Residential Development on Large Non-allocated sites.
- 2.3. The Council is satisfied that subject to the modifications specified in Table 1 below, the Plan meets the relevant Basic Conditions mentioned in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under S38A and S.38B of the Planning and Compulsory Purchase Act 2004.
- 2.4. To meet the requirements of the Localism Act 2011, a referendum which poses the question “Do you want Barnsley Metropolitan Borough Council to use the Neighbourhood Development Plan for Cawthorne to help it decide planning applications in the neighbourhood area?” will be held in the Cawthorne Neighbourhood Area. As indicated above, it is anticipated that the referendum will take place in May 2021.

This Decision Statement is dated 2 July 2020.

Table 1: Cawthorne Neighbourhood Development Plan Schedule of Modifications

| Modification Number                                | Page Number (Examiners Report) | Examiner's Recommendations/Proposed Changes  | Page Number in examined Neighbourhood Plan | Paragraph number of Examiner's Reasons   |
|--|--------------------------------|--|--|--|
| <b>General Matters</b>                             |                                |  |  |  |
| <b>Recommendation 1</b>                            |                                |  |  |  |
| 1.   | 10                             | The various references in the Plan to its stage in the process should be updated in the final version to reflect that it is the adopted version and has been through all stages and a referendum | Various                                    | In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction without explanation. |
|  |                                | Paragraph 2.2. after "The following" insert "main".  | 8  |  |
|  |                                | Improve the resolution of the maps in the hard copy of the Plan  | Various                                    | Para 46  |
| <b>Planning policies for Cawthorne Parish</b>      |                                |  |  |  |
| <b>Landscape, Wildlife and Natural Environment</b> |                                |  |  |  |
| <b>Policy C1 Protecting Landscape Character</b>    |                                |  |  |  |
| <b>Recommendation 2</b>                            |                                |  |  |  |
| 2  | 11                             | In paragraph 4.1.6 "aided by a substantial if patchy archive" and replace with "in the archives".  | 15   | Para 48  |
|  |                                | In paragraph 4.1.14 first sentence, delete "2018", insert "2019".  | 16   |  |
|  |                                | At the end of paragraph 4.1.19 add the following sentence:   | 22   | Para 50  |

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|                     |                                | <p>"This policy also adds detail to the general aim of Local Plan Policy BIO1 Biodiversity and Geodiversity which seeks to protect and improve these aspects of the environment".</p> <p>In the text of Policy C1 Protecting Landscape Character make the following amendments:</p> <p>In the first paragraph after "regard should be had to", insert "Barnsley Local Plan Policies D1 Design, BIO1 Biodiversity and Geodiversity and".</p> <p>In the final sentence of the first paragraph of the policy delete "draft" and insert "adopted".</p> <p>Delete paragraph 2 of the policy text.</p> <p>In the fifth paragraph alter the first sentence as follows;</p> <p>"In the wider rural area, new farm buildings should be designed and sited to blend into the landscape and when appropriate screened by planting of native trees and shrubs."</p> <p>In the final sentence of paragraph 5, alter the final sentence as follows;</p> <p>"Buildings shall not be clad or have a roof treatment in materials which are highly reflective or in bright intrusive colours."</p> | 23   | <p>Para 49 and 50</p> <p>Para 49</p> <p>Para 51</p> <p>Para 52</p> |

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|  |                                | <p>Alter the final paragraph as follows;</p> <p>"Proposals which affect Cannon Hall and Cannon Hall registered park and garden should protect their features and setting. In particular drystone walls and hedgerows shall be protected and retained where possible. Planting shall be in native species and not include fast growing conifers such as Leylandii."</p>   |  | Para 53                                |
| <p align="center"><b>Policy C2 Protecting Local Wildlife</b></p> <p align="center"><b>Recommendation 3</b></p> |                                |  |  |  |
| 3  | 12                             | <p>At the end of paragraph 4.1.35 add the following sentence:</p> <p>"This policy also adds detail to the general aim of Local Plan Policy BIO1 Biodiversity and Geodiversity which seeks to protect and improve these aspects of the environment.</p> <p>In the text of Policy C2 delete paragraph 1 and replace with the following:</p> <p>"Wildlife, green infrastructure and habitats will be protected in accordance with Local Plan policies GI1 Green Infrastructure, BIO1 Biodiversity and Geodiversity and the associated adopted supplementary planning guidance. Important designated natural environmental assets requiring priority protection are shown on Maps 3, 4, 5, 6, 7 and 8"</p> | <p>30</p> <p>30</p>                        | <p>Para 54</p> <p>Para 54</p>          |

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| <b>Policy C3 Renewable Energy<br/>Recommendation 4</b>   |                                |  |  |   |
| 4  | 13                             | <p>At the start of paragraph 4.1.36 delete "Following a recent Ministerial Statement, onshore wind turbine developments" and insert the following; "The NPPF (<i>footnote, as below</i>) states that except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines".</p> <p>Delete "new" from the second sentence in paragraph 4.1.36.</p> <p>Delete footnote 11 and replace with; "Paragraph 154 of the NPPF"</p> <p>Delete the first paragraph of Policy C3.</p> <p>In paragraph three of the text of Policy C3 after "designed" insert "and sited". Delete "which require planning permission".</p> | 31   | <p>Para 56</p> <p>Para 57</p> <p>Para 58</p> <p>Para 59</p> |
| <b>Community and Sport Facilities<br/>Policy C4 Protecting and Enhancing Community Facilities<br/>Recommendation 5</b> |                                |  |  |   |
| 5  | 14                             | <p>In paragraph 4.2.6 alter the last sentence as insert as follows;</p> <p>After "surveys" insert a "full stop". Delete the rest of the sentence and insert a new sentence as follows;</p>   | 33   | Para 62   |

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|   |                                | <p>"The Parish Council in consultation with Barnsley MBC can provide advice about the most effective local methods of community consultation and engagement."</p> <p>In criterion 2 of the policy delete "and provide" and insert after "evidence", "can be provided".</p> <p>In the final paragraph of the policy delete the last two sentences and insert the following at the end of the first sentence; "subject to the compliance with other statutory policies"</p> <p>In paragraph 4.2.4 delete (at £16 p.a.). Consider inserting as a footnote or appendix.</p> | <p>34</p> <p>34</p> <p>32</p>              | <p>Para 63</p> <p>Para 64</p> <p>Para 65</p> |
| <p align="center"><b>Policy C5 Protecting and Enhancing Recreation Facilities</b></p> <p align="center"><b>Recommendation 6</b></p> |                                |   |  |  |
| 6   | 15                             | <p>In the policy text;</p> <p>Delete Cannon Hall Historic Park and Garden from the list. Delete the reference to it on map 10.</p> <p>In the fifth paragraph, delete the text from "Green Belt policies..." to the end of the policy. Insert after "subject to....", "compliance with other statutory planning policies".</p>   | <p>35</p> <p>35</p>                        | <p>Para 67 &amp; 68</p> <p>Para 69</p>       |

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|  |                                | In paragraph 4.2.8 delete "and Policy HE4 Developments affecting Historic Areas or Landscapes will protect the Historic Park and Garden.".  | 35   | Para 66                                     |
| <b>Policy C6 Local Green Spaces</b><br><b>Recommendation 7</b>   |                                |   |  |   |
| 7  | 15-16                          | <p>In the first sentence of the policy delete;<br/>"where development is ruled out except in very special circumstances".</p> <p>Insert the following as an extra paragraph at the end of the policy text;<br/>"The NPPF advises that proposals to develop local green space will be considered in relation to green belt policy. This establishes a presumption against development in order to protect the landscape character and openness of these areas. Development is only allowed in very special circumstances. This means that these areas will be retained as local green space unless there are special circumstances to allow development or it is considered as appropriate ancillary development, which does not reduce the openness or character of the green space."</p> | <p>40</p> <p>40</p>                        | <p>Para 70 and 71</p> <p>Para 70 and 71</p> |
| <b>Design and Heritage</b><br><b>Policy C7 Heritage and Design in the Conservation Area</b><br><b>Recommendation 8</b> |                                |   |  |   |



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| 8                   | 16-17                          | In paragraph 4.3.5 after "Historic Park/Garden", insert "see Appendix II Built Heritage".   | 42   |  |
|                     |                                | Insert a new sentence at the end of paragraph 4.3.5 as follows:<br>"Barnsley MBC has agreed a proposal in the recently approved Conservation Area Appraisal and Management Plan to extend the conservation area. This is shown in Appendix 5."                                      | 42   | Para 73                                |
|                     |                                | Delete paragraph 4.3.6 and replace with the following;<br>"The Village Design Group, supported by Cawthorne Parish Council and in partnership with Barnsley MBC helped prepare the Village Design Statement which was adopted as supplementary planning document in November 2019." | 42   | Para 74                                |
|                     |                                | In paragraph 4.3.7 delete the second bullet point.  | 43   | Para 75                                |
|                     |                                | In paragraph 4.3.9, last sentence replace "covenants" with "planning conditions".   | 43   | Para 76                                |
|                     |                                | Delete 'revised' in the first sentence of paragraph 4.3.11.   | 43   | Para 74                                |
|                     |                                | In the text of Policy C7 make the following amendments;<br>At the end of the first paragraph add "as listed in Policy C8 below".  | 44   | Para 77                                |

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|   |                                | <p>In the third paragraph delete "Draft".</p> <p>In criterion 3 after "should", insert "whenever possible". In the last sentence delete "always".</p> <p>At the end of criterion 7 insert "whenever possible".</p> <p>At the end of criterion 11 insert "whenever possible".</p> <p>In footnote 13, at the start insert "Shop Front Design" Supplementary Planning Document.</p>   | 46   |  |
| <b>Policy C8 Protecting Non-Designated Heritage Assets</b><br><b>Recommendation 9</b>                                       |                                |  |  |  |
| 9   | 17                             | In footnote 14 add at the beginning "Local Heritage Listing : Historic Advice Note 7, May 2016".   | 46   | Para 79                                      |
| <b>Policy C9 General Principles for New Housing Development in Cawthorne Neighbourhood Area</b><br><b>Recommendation 10</b> |                                |  |  |  |
| 10  | 18-19                          | <p>Amend the text of the Policy as follows;</p> <p>In the first paragraph of the policy make the following alterations;</p> <p>Delete "boundary" from the first sentence.</p> <p>After "Appendix III" delete the rest of the paragraph and add "South Yorkshire Design Guide 2011 and adopted supplementary planning documents relating to housing development, open space provision and parking".</p> <p>Delete criteria 4 and 5.</p> | <p>50</p> <p>50</p> <p>50</p>              | <p>Para 84</p> <p>Para 85</p> <p>Para 85</p> |

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|  |                                | Add a new paragraph after 4.3.18 as follows;<br>"The following Barnsley MBC supplementary planning documents are particularly relevant to housing proposals; "Cawthorne Village Design Statement", adopted November 2019, "Design of Housing Development", adopted May 2019; "Open Space Provision on New Housing Developments", adopted May 2019; "Parking" adopted May 2019. The "South Yorkshire Design Guide, 2011" is also relevant | 50   | Para 86  |
| <b>Policy C10 Criteria for New Housing Development</b><br><b>Recommendation 11</b> |                                |  |  |  |
| 11   | 20-21                          | <p>Amend the text of policy C10 as follows:<br/>Delete the first sentence and replace with;<br/>"New housing schemes within the settlement of Cawthorne will be supported where:"</p> <p>Delete criteria 1 in Policy C10.</p> <p>In criterion 2 after Cawthorne Village Design Statement delete "Draft".</p> <p>Amend criterion 3 as follows;<br/>Delete "small in scale (up to 10 houses) and are".</p>                                 | <p>52</p> <p>52</p> <p>53</p> <p>53</p>    | <p>Para 87</p> <p>Para 88</p> <p>(The examiner has previously noted that the Village Design Statement has been adopted)</p> <p>Para 89</p> |

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|                     |                                | Delete criterion 4.   | 53   | Para 90                                |
|                     |                                | In criterion 5 after "Barnsley MBC", delete "most up to date parking standards and catering" insert "guidance in the adopted supplementary planning document "Parking" and cater".<br>In criterion 6 replace "Section 5" with "section 9 of the NPPF"   | 53   | Para 91 & 92                           |
|                     |                                | Delete the section in the policy relating to reducing "Flood Risk and Providing adequate Water and Sewerage"  | 53   | Para 94                                |
|                     |                                | Add the following to the end of paragraph 4.4.1; "Local Plan policy H4 Residential Development on Small Non-allocated Sites allows development in the village, in principle, on sites less than 0.4 hectares. Local Plan Policy H5 Residential Development on Small Non-Allocated sites allows development on larger sites subject to various sustainability criteria." | 51   | Para 88                                |
|                     |                                | Delete the first sentence of paragraph 4.4.3 and replace with the following;<br>"The area outside the green belt where development is allowed in principle is shown on the Local Plan proposals map (figure 2) as a grey coloured area referred to as land within the settlement."  | 51   | Para 87                                |

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|   |                                | At the end of the supporting text paragraph 4.4.4 add;<br>"In the absence of an objectively assessed housing needs survey for the Plan area, it is necessary to rely on Local Plan policy H6 Housing Mix and Efficient Use of Land. This requires housing needs to be based on the findings of objectively assessed housing needs survey, including the most recent Strategic Housing Needs Survey." | 52   | Para 90                                |
|   |                                | Add a new second sentence to paragraph 4.4.5.<br>"All proposals will be required to meet NPPF guidelines relating to minimising flood risk."   | 52   | Para 94                                |
|   |                                | Delete Appendix IV.  | 73-80                                      | Para 93                                |
| <b>Tourism and Business</b><br><b>Policy C11 Supporting Local Economic Development</b><br><b>Recommendation 12</b>          |                                |  |  |  |
| 12  | 21                             | In paragraph 4.5.1 after "such as..." Insert "Cawthorne Hall Museum Park and Gardens".   | 54   | Para 96                                |
|   |                                | Delete the text of Policy C11.   | 55-56                                      | Para 95                                |
| <b>Policy C12 Car and Cycle parking in Cawthorne Village and at Cannon Hall Leisure Cluster</b><br><b>Recommendation 13</b> |                                |  |  |  |
| 13  | 22                             | Amend the second sentence of paragraph 4.5.12 as follows; Delete "a or extended new", insert "an extended or new".   | 56   | Para 102                               |

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|  |                                | <p>Amend the text to the policy as follows;</p> <p>In the first paragraph delete “and at the Cannon Hall Leisure Cluster subject to green belt policies”</p> <p>Create a new second paragraph as follows;<br/> “New parking proposals relating to the Cannon Hall Leisure Cluster will be supported when there is evidence of need and subject to Green Belt policies.”</p> <p>At the start of the second paragraph delete<br/> “Such” and insert “All”.</p> <p>In Appendix VI add the following sentence to the paragraph on “Access to Cannon Hall Farm”;<br/> Barnsley MBC has, however, after the consultation event expressed concerns that there are cost and technical problems including sightlines, land availability and the impact of the appearance of the grade 2 listed bridge from the associated infrastructure.</p> | <p>57</p> <p>82</p>                        | <p>Para 100</p> <p>Para 101</p> <p>Para 103</p> |
| <b>Additional changes agreed between Barnsley MBC and Cawthorne PC</b> |                                |  |  |   |
|  |                                | In paragraph 4.5.1 amend the proposed change reference to ‘Cawthorne Hall Museum Park and Gardens’ and refer instead to ‘Cannon Hall Museum Park and Gardens’.   | 54   |   |
|  |                                | Map 12 amended to show the revised, extended Conservation Area as approved and referred elsewhere in the Examiner's report   | 42   |   |

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|                     |                                | The amended text at paragraph 4.4.1 is amended to clarify that Local Plan Policy H5 is titled 'Residential Development on Large Non-allocated sites'. | 51   |  |