

EXAMINER'S REPORT

CAWTHORNE PARISH

NEIGHBOURHOOD DEVELOPMENT PLAN

2019 - 2033

R J Bryan B.A.Hons.,M.R.T.P.I.

CONTENTS

	Page
Abbreviations and Acronyms	3
Introduction	3
Background Documents	3
The Examination	4
Procedural Matters	4
Consultation	5
Basic Conditions	6
Sustainable Development	6
EU Obligations Human Rights Requirements	7
Conformity with national and Local Strategic Policies	8
Recommendations in relation to Basic Conditions	9
SECTIONS 1, 2 and 3	10
LANDSCAPE, WILDLIFE and ENVIRONMENT	10
COMMUNITY and SPORT FACILITIES	13
DESIGN and HERITAGE	15
HOUSING	19
TOURISM and BUSINESS	21
SUMMARY	23

ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

BMBC - Barnsley Metropolitan Borough Council.

HRA - Habitats Regulation Assessment.

Local Plan - Barnsley Local Plan, adopted 3/1/19.

NDP- Neighbourhood Development Plan

NPPF - National Planning Policy Framework.

NPPG - National Planning Practice Guidance.

SEA - Strategic Environmental Assessment.

The Plan - the Neighbourhood Development Plan under examination.

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. I have been appointed by Barnsley Metropolitan Borough Council (BMBC) in consultation with the Parish Council to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

4. I confirm that I am independent of the Parish and the Council and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).

5. This report is the outcome of my examination of the submitted version of the Plan.

6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted for the examination

Draft Cawthorne Neighbourhood Development Plan, 2019-2033, September 2019,
Consultation Statement, September 2019,
Basic Conditions Statement, September 2019,
Strategic Environmental Assessment and Habitats Regulation Assessment Report,
Screening Report, February 2019,
Regulation 16 Representations December 2019 and January 2020.

Local and National Policies and relevant evidence

National Planning Policy Framework (NPPF), July 2018.
National Planning Practice Guidance (NPPG).
Barnsley Local Plan, adopted 3/1/19.
The adopted Cawthorne Village Design Statement.
Barnsley Metropolitan Borough Council 2014 Strategic Housing Market Assessment
Update.
Barnsley Metropolitan Borough Council Strategic Housing Market Assessment
Addendum 2017.

Documents submitted during the examination

Draft Cawthorne Conservation Area Appraisal and Management Plan, approved by
BMBC on 17th March 2020.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.
10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.
11. I visited the Plan area on 30/4/20 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural

matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13.The Plan had been prepared and submitted by a qualifying body, Cawthorne Parish Council and relates to the whole Cawthorne parish. The plan area was designated by BMBC in May 2017.

14.In accordance with the regulations², the Plan sets out policies in relation to the development and use of land and does not refer to “excluded” development. It specifies the period for which it has effect (2019-2033). It does not relate to more than one neighbourhood area.

CONSULTATION

15.The Consultation Statement explains in detail the manner in which the public, developers and statutory bodies were involved in the development of the Plan.

16.Following a public meeting in January 2017, a steering group was formed to lead Plan preparation. The group consisted of local residents, parish councillors and representatives of local organisations and businesses. The public were kept informed of the developing Plan by minutes of meetings published on the parish council’s web site, Facebook and mail shots to persons invited onto a mailing list. Posters were displayed at vantage points in the village advertising these initiatives.

17.An “Issues and Options” paper was the subject of public consultation from November to December 2017. This was widely promoted in local media and involved a leaflet drop to all parish households. Information was summarised and a response leaflet allowed residents to make representations. This provided 17 written representations, which were summarised on the web site and considered in the preparation of the first draft Plan.

18.Additional meetings were held with local businesses, landowners and BMBC. Open public meetings were held with local residents in November 2018 and April 2019.

19.Informal public consultation on Plan policies was carried out in April and May

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

² Neighbourhood Planning (General) Regulations 2012

2019. This included an open day on 28/4/19. This generated 90 responses, which informed some changes to the Plan.

20. The Plan was the subject to formal public consultation in June and July 2019 in accordance with regulation 14 of the regulations³. This was advertised on the web site, Facebook and the parish magazine. Copies of the plan were made available in the village store and post office. An e-mail or letter was sent to all technical consultation bodies and other local groups and organisations on the contact database, providing information about the consultation dates, the web site address from where the draft Plan and accompanying documents could be viewed.

21. The submitted Consultation Statement analyses the comments and explains whether they merit an amendment to the draft Plan.

22. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan.

BASIC CONDITIONS

23. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁴ This element of the examination relates to the contents of the Plan.

24. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e). The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

25. The Parish has submitted a “Basic Conditions Statement”, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

³ The Neighbourhood Planning (General) Regulations 2012

⁴ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

26. The Parish submits in the Basic Conditions Statement that the Plan complies with NPPF core policies, which ensure the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

27. Table 1 of the Statement demonstrates that the Plan is firmly aligned with the core principles of the NPPF and the principles of sustainability, which underpin them.

28. In the social respect, the Plan supports appropriate community based sports and recreation facilities. The Plan further encourages healthy lifestyles by protecting local green spaces. The Plan allows a level of appropriately sited and designed new housing in the settlement boundary on small sites to address local needs.

29. In its environmental role the Plan seeks to protect and enhance the natural and physical environment. Policies protect the landscape character, green spaces, biodiversity and the built character and heritage.

30. I accept that the policies in the Plan meet the claims referred to in the Statement. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

31. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive⁵ and the Habitats and Wild Birds Directives⁶. These require that consideration should be given to the need for a Strategic Environmental Assessment to assess any significant environmental impacts and /or an appropriate Habitats Regulations Assessment to assess any impact on a site/habitat recognised as protected under European legislation⁷. A neighbourhood plan should also take account of the requirements to consider human rights.

32. The Parish Council submitted a report by Kirkwells, "Strategic Environmental Assessment and Habitats Regulation Assessment Report, Screening Report", February 2019, which concluded that neither an SEA nor HRA was required. BMBC, as the competent authority able to determine screening decisions in consultation with statutory bodies, agreed with these findings. The statutory consultation bodies

⁵ Article 3(5) of Directive 2001/42/EC

⁶ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁷ Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SAP) - providing protection to bird habitats and Special Areas of conservation (SAC) - protect a variety of plants animals and habitats.

Natural England, Historic England and the Environment Agency have not raised an objection to these findings.

33. The screening report states the Plan proposals are in general conformity with the strategic policies in the Local Plan, which was the subject of a Sustainability Appraisal (SA) incorporating the SEA and HRA Assessment Regulations. The report tests the Plan policies against the criteria for determining the likely significant effects referred to in the EU Directive and Schedule 1 of the Regulations. No significant effects are identified as the Plan promotes minimal sustainable development to protect the landscape character and natural and built environment.

34. Regarding the HRA it is pertinent that the Local Plan in its draft form was subject to an appropriate assessment. This concluded that most policies would not result in significant environmental effects on the nearest European designated site to the Plan area i.e. South Pennine Moors Special Area of Conservation/Special Protection Area, except in the case of housing allocations within the 5km buffer zone. None of these housing allocations fall within the Cawthorne Neighbourhood Plan area.

35. I am content that the screening opinion regarding the need for an HRA is valid. English Nature has not objected to this view.

36. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different group potentially affected. Neighbour responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

37. The Parish states in the “Basic Conditions Statement” that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

38. The Statement demonstrates in detail in Table 2 how the Plan conforms with the six planning principles in the NPPF relating to Plan making. The Plan meets these terms by promoting sustainable development in an aspirational yet deliverable manner and engages effectively with the community utilizing digital technology when appropriate. In order to be clear and unambiguous and to ensure the policies do not duplicate local plan policies and national guidance, I have made some recommendations below to alter certain policies.

39. The Statement also analyses the plan policies against each of the main recommendations by subject in the NPPF. This is done in appropriate detail and illustrates close alignment with the national guidance. Again, in some case I have made detailed recommendations to ensure more precise consistency with the NPPF.

40. The need for general conformity with strategic local plan policies is demonstrated in Table 3 of the statement. Each Plan policy is assessed against the relevant local plan policy. I note that where relevant the Plan makes appropriate reference to Local Plan policies, which underpin the proposed Plan policies. I am content that with some alterations as recommended the Plan is in general conformity.

RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

General Matters

41. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction without explanation.

42. I have taken into account all aspects of the representations received during the Plan process. In some cases these do not require specific reference or highlight of particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions.

43. In some cases, I have referred to BMBC due to the specific and detailed nature of its representation and its particular relevance to “basic conditions”.

44. A recurring issue is the need for policies to be drafted with appropriate clarity. The National Planning Practice Guidance (NPPG)⁸ requires that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”*. I have therefore suggested some modifications in the interests of greater clarity and meeting this guidance.

45. I have explained my recommendations in accordance with the order and format of the Plan and expressed them in bold type at the end of the various sections.

46. The quality of the maps in my hard copy version of the Plan is mainly of poor resolution making it difficult to interpret them. The electronic version of the Plan has acceptable resolution of the maps. It is necessary that each map is assessed so it is possible to read the keys and interpret the maps in hard copy version. I do not consider that extent of the difficulty in interpretation invalidates the public consultation exercise. The maps simply aid interpretation and the poor resolution is essentially restricted to maps copied from other documents, which are readily available. I note that there are no concerns from the public on this aspect on the final consultation.

⁸ NPPG Paragraph: 041 Reference ID: 41-041-20140306

RECOMMENDATION 1

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.

Paragraph 2.2 after “The following” insert “main”.

Improve the resolution of the maps in the hard copy version of the Plan.

SECTIONS 1, 2 and 3

47. These provide an introduction to the Plan and explain the vision and objectives. I commend the linking of the vision and objectives with specific policies. This helps to underpin the strategic integrity of the Plan.

LANDSCAPE, WILDLIFE and NATURAL ENVIRONMENT

Policy C1 Protecting Landscape Character

48. The reference in paragraph 4.1.6 is unnecessarily judgmental about the quality of the archives.

49. BMBC is correct to point out that Local Plan policy BI01 and adopted supplementary planning guidance “Biodiversity and Geodiversity” requires all forms of development to conserve, enhance, protect and mitigate the natural environment. The proposed policy in requiring submission of a mitigation plan appears to restrict this requirement to residential development of more than 10 houses or a site area greater than 1 hectare. This is confusing. Furthermore, the requirement to submit a mitigation plan is not suitable for inclusion in a policy as it relates to procedural requirements and validation of planning applications by BMBC. I recommend reference to the mitigation plan be removed.

50. There are strong links to Local Plan policy BI01, in retaining landscape character and protection of biodiversity and geodiversity. Similarly, Local Plan policy D1 Design has clear implications for landscape character. Due to the particular relevance of these policies and that it would be wrong to refer to the Village Design Statement without them, I consider there should be cross-reference in the policy.

51. In the policy text, reference to the need for new farm buildings to blend into the landscape “as much as possible” is vague and open to interpretation. This should be clarified. It is unreasonable to require tree planting in all cases as there may already be sufficient screening.

52. The specific exclusion of white, blue or bright green sheeting seems an arbitrary choice of colours. The policy would have more justification if it referred generally to bright, intrusive colours or reflective materials.

53. The reference to protection of drystone walls and hedgerows in relation to Cannon Hall and the registered garden should be broadened out to refer to all features in accordance with NPPG advice.

RECOMMENDATION 2

In paragraph 4.1.6 “aided by a substantial if patchy archive” and replace with “in the archives”.

In paragraph 4.1.14 first sentence, delete “2018”, insert “2019”.

**At the end of paragraph 4.1.19 add the following sentence;
“This policy also adds detail to the general aim of Local Plan Policy BI01 Biodiversity and Geodiversity which seeks to protect and improve these aspects of the environment.”**

In the text of Policy C1 Protecting Landscape Character make the following amendments:

In the first paragraph after “regard should be had to”, insert “Barnsley Local Plan Policies D1 Design, BI01 Biodiversity and Geodiversity and”.

In the final sentence of the first paragraph of the policy delete “draft” and insert “adopted”.

Delete paragraph 2 of the policy text.

**In the fifth paragraph alter the first sentence as follows;
“ 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.”**

**In the final sentence of paragraph 5, alter the final sentence as follows;
“ Buildings shall not be clad or have a roof treatment in materials which are highly reflective or in bright intrusive colours.**

**Alter the final paragraph as follows;
“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 when possible. Planting shall be in native species and not include fast growing conifers such as Leylandii.”**

Policy C2 Protecting Local Wildlife

54.The Local Plan Policy BI01 and adopted supplementary planning guidance “Biodiversity and Geodiversity” requires all forms of development to conserve, enhance, protect and mitigate the natural environment. This is not accurately reflected in the policy text, which appears to only relate this requirement to the designated assets shown on the maps. The proposed policy makes some useful relevant local additions to the Local Plan policies but in order to avoid confusion and ensure accuracy there should be a cross reference to Local Plan policies GI1 Green Infrastructure, BI01 Biodiversity and Geodiversity and the associated adopted supplementary planning guidance.

55.The remainder of the policy usefully complements the Local Plan policies and guidance.

RECOMMENDATION 3

At the end of paragraph 4.1.35 add the following sentence;

“This policy also adds detail to the general aim of Local Plan Policy BI01 Biodiversity and Geodiversity which seeks to protect and improve these aspects of the environment.

In the text of Policy C2 delete paragraph 1 and replace with the following;

“Wildlife, green infrastructure and habitats will be protected in accordance with Local Plan policies GI1 Green Infrastructure, BI01 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.”

Policy C3 Renewable Energy

56.This policy is broadly consistent with local and national policy and provides some appropriate local detail.

57.The reference in the footnote to the Ministerial Statement should be updated to reflect current NPPF advice.

58.The first paragraph of the policy does not fully reflect the criteria in Local Plan Policy RE1 identifying protected assets such as the impacts on views and highways. The use of the term small scale is vague and could lead to confusion. I do not consider there is a need to repeat the criteria in Local Plan policy RE1 Low Carbon and Renewable Energy and to avoid confusion the first paragraph of the proposed policy should be deleted.

59.The policy provides useful extra guidance on solar proposals. There should be a reference to siting as well as design of these items as this can be important in mitigating their visual impact.

60.It is not necessary to include in the policy text a reference to cases, which require planning permission, as this is implicit in a planning policy.

RECOMMENDATION 4

At the start of paragraph 4.1.36 delete “Following a recent Ministerial Statement, onshore wind turbine developments” and insert the following; “The NPPF (*footnote, as below*) states that except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines”.

Delete “new “ from the second sentence in paragraph 4.1.36.

**Delete footnote 11 and replace with;
“Paragraph 154 of the NPPF”**

Delete the first paragraph of Policy C3.

**In paragraph three of the text of Policy C3 after “designed” insert “and sited”.
Delete “which require planning permission”.**

COMMUNITY and SPORT FACILITIES

Policy C4 Protecting and Enhancing Community Facilities

61.This policy identifies certain community facilities, which are of recognized importance following the advice of the community consultation. This is in general conformity with the Local Plan Policy E7 Loss of Local Services and Community Facilities in Villages, which seeks to protect this type of facility to help sustain local villages. The policy is a useful complement to the Local Plan policy apart from the following matters of concern.

62.I am concerned that the supporting text appears to require applicants to take into account the advice of the Parish Council about the most effective methods of community consultation and engagement. This is misleading, as issues concerning the process and type of information required in determining planning applications is a matter for BMBC and not something the Parish Council can determine in the case of a conflict of approach. Nevertheless, the Parish would be an important consultee in any application and its advice should be assessed. I therefore advise this be made advisory rather than mandatory.

63.The policy requires developers to provide evidence of “appropriate” local community support for the re-provision of alternative community facilities. I am

concerned that this is unclear and could lead to dispute as to what is appropriate support. This is essentially a matter for BMBC to determine in consultation with the Parish. It can be demonstrated in responses to the BMBC led consultation on the planning application or through presentation of data regarding demand for some form of alternative provision. In this case I recommend this be reflected in the text of the policy.

64.The policy expresses support for provision of new or improved community facilities with the only qualification that design should be of high quality particularly in the conservation area. This may cause confusion that certain other statutory planning policies may not be applicable. There should be a broader reference to all statutory planning policies.

65.There is a reference in the supporting text to a rent of £16 p.a. for an allotment. This is within the supporting text of the policy and may be misinterpreted as a planning issue. Furthermore, this fee could change during the course of the Plan. I recommend it be deleted from the main text. It is possible to include non-planning matters in a Plan but these should be clearly distinguished from planning policies. Other than the need to separate out these non-planning matters it is not my role to recommend on them. The Parish Council may want to insert this a separate footnote or appendix but explain this is not a planning issue.

RECOMMENDATION 5

In paragraph 4.2.6 alter the last sentence as insert as follows;

“After “surveys” insert a “full stop”. Delete the rest of the sentence and insert a new sentence as follows;

“The Parish Council in consultation with Barnsley MBC can provide advice about the most effective local methods of community consultation and engagement.”

In criterion 2 of the policy delete “and developers can provide” and insert after “evidence”, “can be provided”.

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”

In paragraph 4.2.4 delete (at £16 p.a.). Consider inserting as a footnote or appendix.

Policy C5 Protecting and Enhancing Recreation Facilities

66.This policy is in accordance with national guidance and Local Plan policies seeking to protect viable recreational facilities in the interests of health and welfare.

67.Regarding the Cannon Hall historic park and garden, I am concerned that there is a slight potential for conflict between the prime aim of protecting the integrity of the registered garden and promoting recreational use of the parkland. Facilities to promote recreation regardless of the quality of their design have the potential to detract from the natural and visual qualities of the registered garden area. I also agree with BMBC that the inclusion of the buildings of the registered Cannon Hall historic park and garden is inappropriate.

68.I consider, therefore that the registered garden area should be excluded from this list.

69.The policy states that new facilities will be supported subject to green belt policies yet not all the listed sites are in the green belt. Further there are other policies that will apply. It is therefore more appropriate to refer generally to the need for new development to comply with the full range of statutory policies.

RECOMMENDATION 6

In the policy text;

Delete “Cannon Hall Historic Park and Garden” from the list. Delete the reference to it on map 10.

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”.

In paragraph 4.2.8 delete “and Policy HE4 Developments affecting Historic Areas or Landscapes will protect the Historic Park and Garden.”.

Policy C6 Local Green Spaces

70.This policy identifies 3 sites as local green space. I am satisfied that these are in accordance with the criteria recommended in the NPPF, paragraph 100.

71.However, the text of the policy should explain what the implications of these designations are in more detail in accordance with NPPF advice.

RECOMMENDATION 7

In the first sentence of the policy delete;

“where development is ruled out except in very special circumstances”.

Insert the following as an extra paragraph at the end of the policy text;

“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.”

DESIGN and HERITAGE

Policy C7 Heritage and Design in the Conservation Area

72.This policy makes a useful contribution to the establishment and retention of local distinctiveness in accordance with advice in the NPPF.

73.The supporting text should refer to the recent approved Conservation Area Appraisal and Management Plan and the proposal to extend the conservation area. This is a material planning consideration.

74.The text should be amended to reflect the adoption of the Village Design statement in November 2019.

75.Paragraph 4.3.7 has a confusing message in the bulleted list about significant local characteristics. The reference to lack of uniformity in character outside the historic core and conservation area is adequately covered in paragraph 4.3.8. the reference in the bulleted list should therefore be deleted.

76.There is a reference to covenants in paragraph 4.3.9, which is confusing as these relate to land charges outside of planning control. It would be more relevant to replace covenants with planning conditions.

77.Some of the policy text utilises absolute terms like “should” and “always”. The text should be more flexible to reflect guidance in the National Planning Practice Guidance⁹ (NPPG) that policies should be clear, concise and able to be implemented in all circumstances.

RECOMMENDATION 8

In paragraph 4.3.5 after “Historic Park/Garden”, insert “see Appendix II Built Heritage”.

Insert a new sentence at the end of paragraph 4.3.5 as follows;

“ 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.”

⁹ Paragraph: 041 Reference ID: 41-041-20140306

**Delete paragraph 4.3.6 and replace with the following;
“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.”**

In paragraph 4.3.7 delete the second bullet point.

In paragraph 4.3.9, last sentence replace “covenants” with “planning conditions”.

Delete ‘revised ‘ in the first sentence of paragraph 4.3.11.

In the text of Policy C7 make the following amendments;

At the end of the first paragraph add “as listed in Policy C8 below”.

In the third paragraph delete “Draft”.

In criterion 3 after “should”, insert “whenever possible”. In the last sentence delete “always”.

At the end of criterion 7 insert “whenever possible”.

At the end of criterion 11 insert “whenever possible”.

In footnote 13, at the start insert “Shop Front Design” Supplementary Planning Document.

Policy C8 Protecting Non-Designated Heritage Assets

78.This policy identifies non-designated heritage assets in accordance with Historic England’s advice note.

79.The footnote should refer to the title of the advice note.

80.I observed the proposed items on my site visit and I agree with the evidence on each item. I note that there are no technical objections form BMBC or Historic England.

81.I am content that the policy text is in accordance with NPPF advice on proposals affecting these assets.

RECOMMENDATION 9

In footnote 14 add at the beginning “ Local Heritage Listing: Historic England Advice Note 7, May 2016”.

Policy C9 General Principles for New Housing Development in Cawthorne Neighbourhood Area.

82.This policy identifies character areas outside of the conservation area and provides a consistent addition to guidance in the adopted Village Design Statement. It is firmly in line with NPPF advice to encourage local distinctiveness in new development.

83.The policy is mainly clear in setting design guidance and maintains appropriate flexibility to conform to the National Planning Practice Guidance (NPPG).

84.I am concerned that the policy refers to a settlement boundary yet the Local Plan states, “For villages the extent of the settlement will be a matter of interpretation on a case by case basis.” The Local Plan proposals map refers to an area coloured grey as “land within the settlement with no specific allocation”. In this context I think it is misleading to refer to a settlement boundary but rather to refer generally to “land within the settlement”.

85.In criterion 4 of the policy, the use of the term “suitable” in relation to garden space is vague and will cause confusion in interpretation. BMBC have an adopted supplementary planning document “Residential Amenity and the Siting of Buildings”. This provides detailed guidance on the spacing, boundary treatment and juxtaposition of buildings, which helps control the size and quality of garden space. Similarly, the BMBC adopted supplementary planning documents relating to “Design of Housing Development”, “Parking” and best practice guidance in the “South Yorkshire Residential Design Guide” provide guidance on storage for cycles and waste and recycling bins and electric charging points. In this case, the selective reference to design aspects in items 4 and 5 of the Plan policy is confusing as it could be interpreted that other elements of the BMBC guidance were less significant. I note specifically that the proposed electric vehicle charging requirement is not precisely consistent with the BMBC “Parking” supplementary planning document.

86.I recommend that the policy cross-refers to these supplementary planning documents and omits the specific references to gardens, storage for waste and cycles and electric charging points. I recommend this cross-reference be in a general manner rather than specific reference of the documents as this is a policy relating to “general principles”. Furthermore, there are a number of documents, which could be relevant and these could change over time. It would help establish clarity if there was reference in the supporting text to the main supplementary planning documents relating to design.

RECOMMENDATION 10

Amend the text of the Policy as follows;

In the first paragraph of the policy make the following alterations;

Delete “boundary” from the first sentence.

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”.

Delete criteria 4 and 5.

Add a new paragraph after 4.3.18 as follows;

“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.”

HOUSING

Policy C10 Criteria for New Housing Development

87. The reference to “development boundary” needs correcting as referred to above in connection with Policy C9.

88. Criterion 1 of the policy effectively restricts development within the development boundary of the village to sites below 0.4 hectares. This is contrary to Local Plan policy H5, which allows development over 0.4 hectares, in principle, subject to various sustainability criteria. This criterion should be deleted. The supporting text should make reference to Local Plan policies H4 Residential Development on Small Non-Allocated Sites and H5 “Residential Development on Large Allocated Sites”.

89. Criterion 3 restricts development to less than 10 houses. This is not in accordance with the Local Plan as sites over 0.4 hectares could comfortably accommodate more than 10 houses. The reference to density should remain.

90. Criterion 4 suggests where possible development should include smaller housing for first time buyers, young people and older residents. This is based on the results of the “Issues and Options” consultation. I am concerned that the evidence base is insufficient to adequately demonstrate the need for this type of accommodation. The survey response is simply an expression of desired accommodation from 17 respondents to the survey rather than an objective analysis of the provision and need for certain types of housing in the area. Policies of this nature should be based on the findings of a housing needs survey. The Local Plan policy H6 requires housing proposals to respond to needs identified in the most recent evidence taking into account an up to date Strategic Housing Needs Survey. In the absence of a housing needs survey more relevant to the Plan area it is necessary to rely on the Local Plan policy to establish the appropriate mix of house sizes and tenures to meet local needs.

91. Criterion 5 should refer to the BMBC adopted supplementary planning document "Parking".

92. Criterion 5 wrongly refers to advice on sustainable transport in section 5 of the Plan. It should cross-refer to advice in the NPPF in these respects.

93. Appendix IV contains some traffic counts but there is no analysis of them or link to a policy. There are no precise locations from which the data has been collected. As a result I recommend Appendix IV be deleted.

94. The policy reference to reducing flood risk and providing adequate water and sewerage is only a partial inclusion of NPPF criteria. It is confusing and unnecessary to not have a full reference to the requirements and therefore I recommend that this element of the policy be removed. However, on the basis this has been identified as a specific issue there is merit in referring to flooding issues and the NPPF in the supporting text.

RECOMMENDATION 11

Amend the text of policy C10 as follows:

Delete the first sentence and replace with;

"New housing schemes within the settlement of Cawthorne will be supported where:"

Delete criteria 1 in Policy C10.

In criterion 2 after Cawthorne Village Design Statement delete "Draft".

Amend criterion 3 as follows;

Delete "small in scale (up to 10 houses) and are".

Delete criterion 4.

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".

In criterion 6 replace "Section 5" with "section 9 of the NPPF"

Delete the section in the policy relating to reducing "Flood Risk and Providing adequate Water and Sewerage"

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."

Delete the first sentence of paragraph 4.4.3 and replace with the following;

"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."

At the end of the supporting text paragraph 4.4.4 add;

“ 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.”

Add a new second sentence to paragraph 4.4.5, “All proposals will be required to meet NPPF guidelines relating to minimising flood risk.”

Delete Appendix IV.

TOURISM and BUSINESS

Policy C11 Supporting Local Economic Development

95.I am concerned that this policy does not add to Local Plan policies E5 Promoting Tourism and encouraging Cultural provision and E6 Rural Economy, which seek to promote sustainable local economic development and tourism. Indeed, the partial representation of the Local Plan policies, particularly E6 could lead to confusion. It is important that this Plan acknowledges and refers and supports these Local Plan policies in the supporting text but I recommend that the policy be deleted.

96.BMBC point out that in the list of important tourist destinations there is an odd omission of Cawthorne Hall Museum Park and Gardens, which is a major destination. This should be added in the interests of consistency.

RECOMMENDATION 12

In paragraph 4.5.1 after “such as....” insert “Cawthorne Hall Museum Park and Gardens”.

Delete the text of Policy C11.

Policy C12 Car and Cycle parking in Cawthorne Village and at Cannon Hall Leisure Cluster

97.This policy seeking to extend parking provision in the village and within Cannon Hall Leisure cluster.

98.MBC has commented that the Cannon Hall Museum car park is rarely full and there is not a regular parking problem. BMBC considers parking problems are restricted to large scale events in the leisure cluster and extra parking in the green belt may have a negative impact on the environment including flooding and drainage. It states a more appropriate policy would be to give priority to public transport network improvements.

99.The evidence from the November 2017 public consultation exercise indicates there are significant concerns about parking in the village, which supports the need for the policy

100.BMBC make a relevant point that car parking at the Leisure Cluster in the green belt may have environmental consequences and there is a question about the need for more parking spaces. Nevertheless, I appreciate that the community has concerns that there can be displacement of parking from the Leisure Cluster into the village. I consider, therefore that the approach to the Leisure Cluster should be based on the need for evidence and compliance with green belt policies.

101.I have recommended the deletion of the word “such” in the second paragraph of the policy in order that is clear the requirement relates to all proposals not just those relating to the second paragraph, as amended.

102.There are some grammatical changes required in paragraph 4.5.12.

103.Regarding Appendix V1, which identifies a community desire for traffic lights at the cascade bridge, BMBC states 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. I consider it worthwhile in the interests of clarity to refer to this in Appendix V1.

RECOMMENDATION 13

Amend the second sentence of paragraph 4.5.12 as follows; Delete “a or extended new”, insert “an extended or new”.

Amend the text to the policy as follows;

In the first paragraph delete “and at the Cannon Hall Leisure Cluster subject to green belt policies”

Create a new second paragraph as follows;

“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.”

At the start of the second paragraph delete “Such” and insert “All”.

In Appendix V1 add the following sentence to the paragraph on “Access to Cannon Hall Farm”;

“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.”

SUMMARY

104. I have completed an independent examination of the Neighbourhood Development Plan.

105. The Parish Council has carried out an appropriate level of consultation and shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

106. I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the NPPF and local development plan policies.

107. Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with EU obligations and human rights requirements,
- e) the making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012, as amended by the 2018 Regulations).

108. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

109. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area, and if it is to be extended, the nature of that extension.

110. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

111. I am therefore pleased to recommend that the Cawthorne Parish Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.

