

Barby and Onley Neighbourhood Development Plan Review

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and concise vision for the neighbourhood area. The relationship between the aims of the Plan and its policies is very clear. This provides a robust structure for the Plan.

The Parish Council has assessed changing circumstances and weaved them into the review of the made Plan. This is best practice.

The presentation of the Plan is very good. The difference between the policies and the supporting text is clear. The various maps are clear and produced to a good quality.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy H1

I looked at the proposed housing allocation carefully during the visit.

For clarity, should the policy specify that access into the site will be from School Close?

I note that the assessment of the site in the Site Options and Assessment Report advises that there are no legal or ownership constraints to its development (Section 3). However, representations from local people suggest that such restrictions may exist. It would be helpful if the Parish Council clarified this matter.

Does the Parish Council have any expectations about the way in which the southern boundary of the site should be defined? If so, should it be included in the policy?

Policy H5

In general terms this is a good policy. However, is there any need for the use of the word 'only' in the opening element of the policy?

Should criterion l) be supporting text rather than an element of the policy? In effect, it is a definition rather than a land use planning policy.

Policy H6

This is an excellent policy which is underpinned by the impressive Design Guidance and Codes. It is a first-class local response to Section 12 of the NPPF.

Policy ENV1

I saw the importance of the various Local Green Spaces during the visit. I also saw their concentration in the heart of Barby.

The wording of the policy goes beyond the matter-of-fact approach taken in paragraph 107 of the NPPF. Is there a specific reason why the Parish Council has taken this approach?

Policies ENV2-ENV5

In general terms, these policies are underpinned by appropriate local evidence.

However, is it reasonable for such policies to be applied to sites which are in commercial use and are whose uses are authorised by planning permissions?

Policy ENV7

I am minded to recommend a modification to the wording of the policy so that it has regard to paragraph 209 of the NPPF. Does the Parish Council have any observations on this proposition?

Policy CS1

The intention of the policy is clear. Nevertheless:

- is criterion a) more of a general objective rather than a criterion, especially as planning permissions do not usually control the movement of vehicles?
- is criterion e) more about good site management rather than operating as a land use planning policy issue?
- In criterion f) what is meant by 'consider'? Would the policy be clearer if it required development proposals to deliver such improvements where it would be practicable to do so, and where it would proportionate to the scale, nature and location of the proposal concerned?

Policy CS2

In general terms, this policy reads well. It takes a positive approach towards employment proposals.

However please can the Parish Council explain the purpose of criterion g). In the round, is it necessary given the contents of criterion a)?

Policy CS4

Is there tension between the title of the policy and the types of uses listed in paragraph 10.38 which would be supported? In short, is the policy intended to apply

only to diversification proposals on farms (as suggested by the policy title) or more generally to rural diversification projects (as suggested by the supporting text)?

Policy CS7

In general terms this is a good policy. However, is there any need for the use of the word 'only' in the opening element of the policy?

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

I would find it helpful if the Parish Council commented on the representations from:

- The Environment Agency (BO03);
- The Middleton Family (BO05);
- Cadman Sporting Limited (BO07);
- J Marine Limited Dunchurch Pools Marina (BO10); and
- Dandom Properties Limited (BO14).

West Northamptonshire Council suggests several detailed modifications and refinements to policies and the supporting text. I would find it helpful if the Parish Council responded to the comments.

Protocol for responses

I would be grateful for responses to these questions by 20 December 2024. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from West Northamptonshire Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Barby and Onley Neighbourhood Development Plan.

5 December 2024