

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.

Thank you for these comments.

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?

This is the landowner's intention so we are content for this to be included in the policy.

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.

There is a single landowner with whom we have liaised throughout the process.

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?

The landowner has always maintained that he would like to retain the southern part of the site for his own use He spoke about putting a shed on it. The Parish Council has no strong views about how the site boundary is to be defined.

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?

The Parish Council would prefer to keep the word only in as without it, the policy supports applications which meet the criteria, but do not exclude development which fails to address them.

The policy which this replaces in the Made NP is Policy BO-H1 which says 'proposals for new housing ... will be permitted when it is in accordance with the following criteria' whilst Policy BO-GP1 says 'Development will not be permitted where it has a detrimental impact on the character of the area in which it is located'. It is felt that removing the word 'only' will weaken the policy below the level achieved in the Made NP.

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

The Parish Council is content for this criterion to be placed in the supporting narrative.

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.

Thank you.

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?

On reflection, we are content for the wording of this policy to reflect para 107 of the NPPF.

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?

These policies help to shape development locally. They do not prohibit development, they set criteria to be applied for development to take place.

As such, it is reasonable for the policies to apply to sites where there are planning consents in place, where these consents specify the retention of environmental areas. In these circumstances, the NP policy helps to ensure that the planning consent achieves its requirements.

The QB believes it to be therefore reasonable in the case alluded to: conditions applied to the planning permission for this commercial venture largely require the developer/owner to recognise the open space and environmental values of the sites and features identified for protection through these policies. [more detail is provided in the QB's responses to J Marine's Regulation 16 depositions].

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?

We are content for the reference to para 209 of the Framework to be made.

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?

We would prefer this to be kept, to help ensure that future development takes account of the potential build up of traffic through the villages by, for example, the location of development and the provision of signage to direct traffic away from the villages.

- is criterion e) more about good site management rather than operating as a land use planning policy issue?

Our concern is amplified by examples of development failing to rectify damage caused through the development phase and a desire to draw attention to this aspect of development. We would prefer it is retained if possible.

- 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?

It would – we are content for this form of words to be used.

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)?

On reflection, the Parish Council is content to remove criteria g) as it will be covered by criteria a), b) and f).

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)?

The purpose of the policy is to assist the diversification of farming enterprises and to establish the criteria that need to be applied to ensure that the diversification does not cause harm to the local community.

To this end, we agree that amending bullet point 2 to say 'Promote the diversification of rural farming businesses' and bullet point 3 to say 'Encourage new farming businesses to provide a wider range ...'.

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?

We would prefer to retain the word 'only'.

Parking at the school was very high up on the list of Parishioner's concerns in all the surveys/consultation we undertook. Hence, we think it very important to keep the word 'only' in. Parking at the school causes huge issues in Barby so we do not think residents would tolerate any school expansion that did not try to mitigate any additional problems that would be caused.

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.

Thank you for the opportunity to comment.

We attach our responses to the key issues that have been raised.

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