Barby and Onley Neighbourhood Development Plan 2015 - 2029

Report by Independent Examiner

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

May 2016
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary and Conclusion</td>
<td>3</td>
</tr>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Legislative Background</td>
<td>4</td>
</tr>
<tr>
<td>Policy Background</td>
<td>5</td>
</tr>
<tr>
<td>The Neighbourhood Development Plan Preparation</td>
<td>6</td>
</tr>
<tr>
<td>The Barby and Onley Neighbourhood Development Plan</td>
<td>7</td>
</tr>
<tr>
<td>Referendum &amp; the Barby and Onley Neighbourhood Area</td>
<td>22</td>
</tr>
<tr>
<td>Appendix 1 Background Documents</td>
<td>23</td>
</tr>
</tbody>
</table>
Summary and Conclusion

1. The Barby and Onley Neighbourhood Development Plan has a clear Vision and sets out clear objectives.

2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that reference is made to a Written Ministerial Statement of 25 March 2015 (Planning Update March 2015) in which the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. I have recommended that the Plan makes it clear that in Policies BO-GP1, BO-D1, BO-D2 and BO-D3 it is not intended to impose any such additional local technical standards or requirements.

3. I have recommended modification to Policy BO-H1 to remove the requirement for new housing developments to be up to ten dwellings. I have recommended this policy be modified to amalgamate the remainder of criterion (b) with criterion (e) to state that based on a vision to retain and enhance the rural form and character of the Parish, the community strongly prefers small scale developments that demonstrate a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community. This modification would contribute towards the achievement of sustainable development and would not undermine the aspirations of the local community to restrict development within Settlement Boundaries to small scale development on infill sites.

4. I have recommended amalgamating the highway measures towards which contributions will be sought in Policy BO-TH1 and the facilities and infrastructure in Policy BO-CF4, in the interest of providing a practical framework for decision making.

5. I have found that all of the sites proposed as Local Green Space, apart from the tennis court site, meet the criteria for Local Green Space designation.

6. I have recommended modification to other policies in the Plan, primarily in the interest of clarity and precision, to provide a practical framework for decision making.

7. Whilst I have set out my reasoning under individual policies, my overall conclusion is that subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Barby and Onley Neighbourhood Development Plan 2015 – 2029 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Barby and Onley Neighbourhood Development Plan 2015 – 2029, as modified by my recommendations, should proceed to Referendum.
Introduction

8. I was appointed as an independent Examiner of the Barby and Onley Neighbourhood Development Plan 2015 - 2029 in April 2016.

9. On 25 July 2013 Daventry District Council (DDC) approved that the Barby and Onley Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Barby and Onley.

10. The qualifying body is Barby and Onley Parish Council. The Plan has been prepared by a voluntary steering group. The Plan covers the period 2015 – 2029.

Legislative Background

11. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

- the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and

- that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

12. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

13. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
• the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

**EU Obligations**


15. DDC has prepared a Screening Report for: Strategic Environmental Assessment and Habitats Regulation Assessment (October 2015). The Screening Report states: *it is considered unlikely that any significant environmental effects will occur from the implementation of the Barby and Onley Neighbourhood Plan that were not considered and dealt with by the Sustainability Appraisal of the West Northamptonshire Joint Core Strategy. As such the Barby and Onley Neighbourhood Plan does not require a full SEA to be undertaken.* Natural England has confirmed that there are unlikely to be significant environmental effects from the Plan. Historic England confirmed it had identified no significant effects to cultural heritage.

16. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.

17. As regards a Habitats Regulation Assessment (HRA); the Neighbourhood Area is 25km from the Upper Nene Valley Gravel Pits pSPA/RAMSAR and 47km from Rutland Water SPA/RAMSAR. The Report concludes: *it is not considered that the implementation of the Barby and Onley Neighbourhood Plan, by virtue of its scale and distance, will result in any likely significant effects upon the Upper Nene Gravel Pits site or the Rutland Water site.* Natural England concurred with this conclusion. On this basis and based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive.

18. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

**Policy Background**

20. Barby and Onley Parish is within the local authority area of Daventry District Council (DDC). The development plan for the Barby and Onley Neighbourhood Development Plan Area comprises The West Northamptonshire Joint Core Strategy Local Plan (Part 1) (WNJCS) (adopted on 15 December 2014) and saved policies in the Daventry District Local Plan, (adopted in June 1997).

21. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural and historic environment.

22. Part Two of the Local Plan is in its early stages. The Settlements and Countryside Local Plan (Part 2a) Issues and Options Consultation Report has recently been published for consultation. Daventry Town is the focus for housing growth within the District. Paragraph 2.5 in this Consultation Report states: since 1 April 2011, 887 dwellings have been completed across the District (including Daventry Town). This level of delivery has exceeded the requirement of the WNJCS for that period by 30 dwellings.

The Neighbourhood Plan Preparation

23. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

24. The initial consultation process started with a public meeting in January 2014. This was followed by a further public meeting in March 2014 where a steering group was created. A questionnaire that would give residents the opportunity to identify what they thought was important in planning for the future of the villages was distributed in October 2014.

25. Publicity was via social networking and regular updates in the Parish Newsletter.

26. The Consultation period on the pre-submission draft of the Plan ran from 21 September 2015 to 1 November 2015. The draft Plan was placed on the Parish Council and DDC web sites and hard copies were available to view within the Parish. An email or letter was sent to consultation bodies and local groups and organisations. Two open meetings were held during the consultation period.

27. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local people were able to engage in the production of the Plan. I congratulate them on their efforts.
28. DDC publicised the submission Plan for comment during the publicity period between 11 January 2016 and 26 February 2016 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of four responses were received. Whilst I have not specifically referred to all responses, I have taken them into consideration. I am satisfied that all these responses can be assessed without the need for a public hearing.

The Barby and Onley Neighbourhood Development Plan 2015 - 2029

29. It is necessary for Neighbourhood Plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.

30. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.

31. For ease of reference, I have used the same headings and policy titles as those in the Plan.

Preparing the Barby and Onley Neighbourhood Development Plan.

32. Section 2 sets out the Plan preparation process and how the Plan relates to national planning policy and policy in the development plan. Whilst this detail is not specifically required to be explained in the Plan, where it does so, it should be accurate.

33. A Neighbourhood Plan does not have to be in general conformity with all policies in a Local Plan. It is only required to be in general conformity with the strategic policies in the development plan. In the interest of clarity, I recommend modification to Section 2 to ensure that it outlines a correct interpretation of the Basic Conditions in this respect. It is not for me to re-write the Plan. I will leave the precise modification of the paragraphs in this section to DDC and the Parish Council.

34. **Recommendation: to meet the Basic Conditions, I recommend modification to Section 2 to accurately state the requirement for a neighbourhood plan to be in general conformity with strategic policies in the development plan.**
Vision and Objectives for Barby and Onley

35. The Plan has a clear vision and list of objectives which set the context for the policies in the Plan. The vision is: *In the future Barby and Onley will be a parish that retains and enhances its rural form and character, maintains existing amenities and services and maintains its separation from the surrounding villages whilst developing in an organic and sustainable way that meets the needs and wishes of all who live and work in it.*

36. As I have recommended the deletion of Policy BO-TH1, the table on Page 16 that cross references policies to objectives will need to be updated.

General Development Policy

**POLICY BO-GP1 General Development Principles**

37. The NPPF states at paragraph 14: *At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

38. WNJCS Policy S10 sets out sustainable development principles. WNJCS Policy S1 gives priority to making best use of previously developed land and vacant and underused buildings in sustainable locations.

39. Policy BO-GP1 sets out general development principles against which all new development is to be assessed. This is in general conformity with strategic policy in the WNJCS.

40. In a Written Ministerial Statement of 25 March 2015 (Planning update March 2015) the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. This does not relate to non-residential properties.

41. The Government published a command paper *Fixing the foundations: Creating a more prosperous nation* in July 2015. Regarding new dwellings, it announced that: *The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.*

42. In the light of the above Statement and Announcement and to have regard to national policy, I recommend the addition of a paragraph acknowledging the Ministerial Statement and stating that Policies BO-GP1, BO-D1, BO-D2 and BO-D3 do not impose additional technical standards or requirements for new dwellings. Such references in these policies can still be relevant for non-residential development. I have suggested a paragraph that can be as a
footnote to all these policies. Whilst relevant to the design policies, I do not intend to repeat this matter under my comments for each of those policies.

43. What were previously referred to as Sustainable Urban Drainage Systems (SUDs) are now referred to as Sustainable Drainage Systems. Indeed, the Planning Practice Guidance now refers to them as Sustainable Drainage Systems. In the interest of clarity, I recommend modification to criterion (f) in Policy BO-GP1 to reflect this.

44. Paragraph 173 in the NPPF states: Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.

45. DDC has raised concern that the use of latest technology could have implications for viability and deliverability. To have regard to national policy in this respect, I recommend modification to criterion (h) in Policy BO-GP1 to seek use of such technology ‘wherever possible’.

46. Subject to my proposed modifications, I consider that Policy BO-GP1 meets the Basic Conditions, particularly where it contributes towards the achievement of sustainable development.

47. Recommendation: To meet the Basic Conditions, I recommend modification to Section 5 by the addition of the following footnote to Policies BO-GP1, BO-D1, BO-D2 and BO-D3:

In a Written Ministerial Statement of 25 March 2015 (Planning Update March 2015) the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. In Policies BO-GP1, BO-D1, BO-D2 and BO-D3 it is not intended to impose any such additional local technical standards or requirements.

I recommend modification to criterion (f) in Policy BO-GP1 to refer to Sustainable Drainage Systems.

I recommend modification to criterion (h) in Policy BO-GP1 to read as follows:

(h) Uses latest technological advances (e.g. solar energy, heat pumps, etc.) to minimise energy consumption and carbon emissions, wherever possible.

Design, Built and Natural Environment

POLICY BO-D1 Design of Development in Barby and Onley.

48. Policy BO-D1 sets out design principles for new development. The definition of development in planning policy encompasses a wide range, including
change of use and there may be many instances where small scale
development does not include proposals for movement within or around it.
Therefore, in the interest of clarity, I recommend ‘wherever possible’ is
included at the end of criterion (h) with regard to movement.

49. It may not always be possible to incorporate Sustainable Drainage Systems.
This criterion regarding SuDS contradicts Policies BO-GP1 and BO-D3. In
the interest of clarity, I recommend deletion of this criterion.

50. Subject to my proposed modifications, I consider that Policy BO-D1 meets
the Basic Conditions, particularly in that it has regard to Section 7 in the
NPPF, where it seeks to deliver high quality design and promote or reinforce
local distinctiveness.

51. Recommendation: To meet the Basic Conditions, I recommend
modification to Policy BO-D1 by the insertion of ‘wherever possible’ at
the end of criterion (h) and the deletion of criterion (k).

POLICY BO-D2 Protecting and enhancing local landscape character
and views

52. WNJCS Policy S10 sets out sustainable development principles including
the need for development to protect, conserve and enhance the natural and
built environment and heritage assets and their settings. WNJCS Policy
BN1 seeks to conserve, manage and enhance Green Infrastructure
corridors. WNJCS Policy BN2 seeks to maintain and enhance existing
habitats.

53. Policy BO-D2 is an all-encompassing policy seeking to protect the character
of the natural and built environment and defined views. Not all of the criteria
will be relevant to all types of new development. For example, it may not be
relevant for an extension to a dwelling to be required to enhance the ridge
line features or deliver green infrastructure. Therefore, in the interest of
precision, I recommend modification to this policy by the insertion of
‘wherever possible and applicable’ at the end of the first sentence.

54. Subject to the above suggested modification, I consider that Policy BO-D2
contributes towards the environmental role of sustainable development by
contributing to protecting and enhancing the natural, built and historic
environment. In addition, it is in general conformity with strategic
development plan policy. Policy BO-D2 as modified above, meets the Basic
Conditions.

55. Recommendation: To meet the Basic Conditions, I recommend
modification to the first sentence to Policy BO-D2 to read as follows:

Development proposals will be required to incorporate the following
landscape design principles wherever possible and applicable.
POLICY BO-D3 Water Management and Surface Water Run-off

56. WNJCS Policy S10 seeks to maximise water efficiency and promote sustainable drainage. Policy BO-D3 is in general conformity with this strategic policy.

57. The way criterion (b) is written in Policy BO-D3 implies that all development has to include water attenuation facilities. I am sure this is not the intention and cannot be for small scale development. In the interest of clarity, I recommend modification to this criterion to state that where water attenuation facilities such as lagoons, ponds and swales are to be provided, they should be within the development sites. Subject to this modification, Policy BO-D3 meets the Basic Conditions, particularly where it contributes towards the achievement of sustainable development.

58. **Recommendation: To meet the Basic Conditions, I recommend modification to criterion (b) in Policy BO-D3 to read as follows:**

Where water attenuation facilities such as lagoons, ponds and swales are to be provided, they should be within the development sites.

Housing

POLICY BO-H1 Scale and type of new housing in Barby and Onley.

59. Barby is currently identified as a Restricted Infill Village in saved Local Plan Policy HS22, where small scale development is allowed subject to criteria. Onley is designated as a hamlet in the saved Local Plan, where open countryside policies apply.

60. WNJCS Policy R1 sets out the spatial strategy for rural areas and outlines that Part Two of the Local Plan will define a new settlement hierarchy. It states: *once the housing requirement for the rural areas has been met through planning permissions or future allocations, further housing development will only be permitted where it can be demonstrated that it:*

   i) *would result in environmental improvements on a site including for example the re-use of previously developed land and best practice in design;* or

   ii) *is required to support the retention of or improvement to essential local services that may be under threat (in particular the local primary school or primary health services);* and

   iii) *has been informed by an effective community involvement exercise prior to the submission of a planning application;* or

   iv) *is a rural exceptions site that meets the criteria set out in policy H3;* or

   v) *has been agreed through an adopted neighbourhood Plan.*
61. The following extracts from The Settlements and Countryside Local Plan (Part 2a) Issues and Options Consultation Report set out DDCs current housing position for the rural areas in the District: To help underpin the strategy policy S1 of the WNJCS sets out that residential development in the rural areas will be limited with emphasis on meeting four criteria. Policy S3 of the WNJCS sets out that the rural areas will be the focus for about 2,360 dwellings to 2029. Whilst the figures are expressed as ‘about’ and are not a ceiling, they are crucial to underpin the overall spatial strategy contained within the WNJCS of directing greater levels of growth at Daventry Town…

62. ...As set out in the quarterly monitoring report the requirement for the rural areas has been exceeded, as at 30th September 2015 by 95 dwellings with over 13 years of the plan period remaining…

63. ...Whilst the rural requirement has been met this has been largely focused on a number of larger settlements and that some smaller settlements may benefit from some development to help meet local housing need and to help sustain services and facilities.

64. I realise that the Issues and Options Consultation Report has recently been subject to consultation and the rural housing figures in that document may be subject to scrutiny. It is relevant to my Examination of this Plan only so far as it is a very early stage in the process of the preparation of Part Two of the Local Plan and that the paragraphs quoted above are a convenient source of DDCs explanation of the current housing position for the rural areas in the District. In this context, I have not been reliant on this Issues and Options Consultation Report in my Examination.

65. In recognising the purpose of sustainable development, the NPPF emphasises that development means growth. The Plan allows for small scale growth and seeks to ensure an appropriate range of dwellings.

66. The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements. There is no legislative requirement for Neighbourhood Plans to set their own housing numbers. The Plan does not seek to determine the overall amount of houses to be built during the plan period. Instead, its emphasis is on influencing how housing will be delivered. It sets out the scale and type of new housing development that would be appropriate to harmonise with the existing character of the villages.

67. The Plan has identified Settlement Boundaries for both villages. The restriction on individual housing developments within the defined Settlement Boundaries to that of infill developments of up to ten dwellings has been the subject of public consultation and has received considerable local support.

68. Although Onley is identified as a hamlet in the saved Local Plan, as Core Strategy Policy R1 states that Part Two of the Local Plan will define a new settlement hierarchy, I consider the approach to defining a Settlement Boundary for Onley to be in general conformity with strategic policy in this regard. In addition, the Planning Practice Guidance makes it clear that all
settlements in rural areas can play a role in delivering sustainable development.

69. I have some concern with regard to a limit of ten dwellings on sites within the Settlement Boundaries. This is distinctly different to limiting the size of developments that are built out into the open countryside beyond a settlement boundary, where the effect on the countryside environment is an additional factor for consideration.

70. Within a built up area, a small development of over ten dwellings which is design led on an infill site may constitute sustainable development and be in accordance with all other policies in the Plan. In other words, a development of over 10 dwellings, designed to a high standard in the built up area may be equally acceptable.

71. During the course of my examination, the Court of Appeal issued a judgment on 11 May 2016 on the Secretary of State’s appeal against a previous High Court judgment of 31 July 2015 upholding a joint application by West Berkshire District Council and Reading Borough Council which challenged the Secretary of State’s Written Ministerial Statement of 28 November 2014 and his subsequent alterations to the Planning Practice Guidance on planning obligations for affordable housing and social infrastructure contributions.

72. As the High Court judgment from which the Order originated has now been overturned, the policies in the Written Ministerial Statement of 28 November 2014 should once again be considered as national planning policy. Extracts from the statement below explain the national policy regarding developer contributions and affordable housing.

73. Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.

74. For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.

75. These changes in national planning policy will not apply to Rural Exception Sites.

76. I sought clarification from DDC, via email, as to whether Barby and Onley Parish is designated as a rural area under the Housing Act 1985 and was informed that it is not designated as such. Therefore, national policy does not seek affordable housing contributions from sites of 10 dwellings or less in this Parish. This has implications for the delivery of affordable housing in Barby and Onley if the size of new housing developments is restricted to up to 10 dwellings.
77. Core Strategy Policy H2 seeks affordable housing contributions from sites of 5 or more dwellings in the rural areas. I note that the Core Strategy was adopted shortly after the Written Ministerial Statement of 28 November 2014 was published. Planning law requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Written Ministerial Statement of 28 November 2014 is a material consideration and the weight to be given to this in determining planning applications is a matter for DDC. I am looking at a different matter, in that I have to make a judgment as to whether the Plan meets the Basic Conditions, which includes whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan.

78. By restricting new developments to up to 10 dwellings, in accordance with national policy, there would be no means to seek affordable housing contributions within the settlements of Barby and Onley. This would not meet the Basic Conditions with regard to pursuing sustainable development by widening the choice of high quality homes. In addition, it would contradict with Policy BO-H1 criterion (e) where it seeks an appropriate mix of dwelling types, including affordable housing.

79. It is clear from the supporting evidence that the local community supports a mix of tenures in new developments to meet local housing needs and that the local community wishes for these to be delivered on small sites of up to 10 dwellings.

80. To have regard to national policy and to ensure that there is no internal conflict within Policy BO-H1, I recommend modification to Policy BO-H1 to delete reference to ‘up to 10 dwelling’. I recommend combining the remainder of criteria (b) and (e) to state that based on the vision to retain and enhance the rural form and character of the Parish, the community strongly prefers small scale developments that demonstrate a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community. I do not think that such a modification would undermine the aspirations of the local community.

81. There is no strategic requirement for further dwellings in the Parish. I have visited the Parish and consider that, subject to my proposed modification; the housing strategy in Policy BO-H1 would maintain the strong and established sense of place for both settlements. This approach has regard to the NPPF, where it requires policies to recognise housing growth and respond to local character. Taking the policies in the Plan as a whole, I see no reason why the housing strategy would not deliver new homes that are deliverable and use land sustainably. Policy BO-H1, as modified, would meet the Basic Conditions.

82. Reference to development outside the confines of the Settlement Boundaries in the second paragraph in Policy BO-H1 is taken from WNJCS Policy R1. However, Policy BO-H2 expands on the criteria for new dwellings in the countryside. To provide a practical framework for decision making, I
recommend that reference to residential development in the countryside is confined to one policy. In this particular instance, the second paragraph can either be deleted or incorporated into Policy BO-H2. Either approach would meet the Basic Conditions. It is not for me to re-write the Plan. I suggest that the second paragraph in Policy BO-H1 is incorporated into Policy BO-H2.

83. **Recommendation:** to meet the Basic Conditions, I recommend modification to Policy BO-H1 criterion (b) to read as follows:

(b) It is small-scale (based on the vision to retain and enhance the rural form and character of the Parish, the community strongly prefers small scale developments that demonstrate a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community).

I recommend the incorporation of the second paragraph in Policy BO-H1 into Policy BO-H2.

**POLICY BO-H2 Housing in Open Countryside.**

84. Paragraph 55 in the NPPF promotes sustainable development in rural areas. Policy BO-H2 limits residential development in the open countryside. It does allow rural exception sites in accordance with WNJCS Policy H3 and is in general conformity with WNJCS Policy R1. I consider Policy BO-H2 meets the Basic Conditions, particularly with regard to contributing towards achieving sustainable development in rural areas. Policy BO-H2 meets the Basic Conditions with or without the addition of the second paragraph from Policy BO-H1.

85. There is an editing error in the first sentence where it should refer to ‘Policy R1’ rather than R1.

**POLICY BO-H3 Ensuring an appropriate range of tenures, types and sizes of houses**

86. The NPPF seeks to ensure that there is provision of a wide choice of quality homes. WNJCS Policy H1 seeks a mix of housing types, sizes and tenures to cater for different needs.

87. Policy BO-H3 seeks to ensure a mix of tenures, types and sizes of dwellings to meet local needs. In the interest of clarity, I recommend modification to the first sentence in the last paragraph to read as follows: Where a site includes a mix of affordable housing and market housing, the affordable housing should be integrated across the site. Otherwise, it could infer that all affordable housing sites have to include an element of market housing, which does not appear to be the intention of this policy.
88. Subject to my suggested modification, Policy BO-H3 meets the Basic Conditions, particularly where it has regard to national policy and is in general conformity with strategic policy.

89. Recommendation: to meet the Basic Conditions, I recommend modification to the last paragraph in Policy BO-H3 to read as follows:

Where a site includes a mix of affordable housing and market housing, the affordable housing should be integrated across the site. Development that leads to concentrations of different types and tenures of homes in separate groups on a site will not be permitted.

Traffic and Highways

POLICY BO-TH1 Traffic Management and Transport Improvements

POLICY BO-CF4 Community facilities and Community Infrastructure Levy

90. I have included Policy BO-CF4 in a joint reasoning with Policy BO-TH1 as they are both concerned with similar issues. Policy BO-TH1 lists highway safety measures and traffic management measures for which contributions from developers will be sought. Policy BO-CF4 lists community facilities and infrastructure proposals for which contributions will be sought. In the interest of clarity, I recommend combining the community facilities and infrastructure requirements into one policy. This will avoid unnecessary repetition and provide a practical framework for decision making. I suggest the new policy is a modification to Policy BO-CF4.

91. DDC introduced a Community Infrastructure Levy (CIL) on 1 September 2015. All new build development over 100sqm (internal) and all new dwellings regardless of size must pay CIL (although there are exemptions such as self-build).

92. Regulation 123(2) in The Community Infrastructure Levy Regulations 2010 as amended by the The Community Infrastructure Levy (Amendment) 2014 Regulations 2014 prevents section 106 planning obligations being used in relation to those things that are intended to be funded through the Levy by the charging authority. There can be no double counting in this regard.

93. As CIL charging is now in place, there will be limited opportunity to require contributions via section 106 planning obligations. Where they are appropriate, they are required to meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010.

94. To have regard to national policy on section 106 planning obligation developer contributions, I consider it necessary to have a new first sentence to Policy BO-CF4 to read: Developer contributions or provision will be
sought, where appropriate, and Community Infrastructure Levy will be used, when available, for improved community facilities and infrastructure in the Parish. This policy can then combine both lists from the two policies as the priority list. The list of possible projects will help assist the direction of funds. This will provide a practical framework for decision making. Policy BO-CF4 as amended, will meet the Basic Conditions.

95. The remaining parts of Policy BO-TH1 include support for road safety and traffic management. This is already referred to in Policy BO-GP1. The last sentence in Policy BO-TH1 refers to support for public transport provision. This is not a development and land use matter. In the interest of clarity, I recommend the deletion of these remaining parts of Policy BO-TH1. They can be included in the supporting text. This meets the Basic Conditions.

96. Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy BO-TH1. I recommend that the first and last sentences of Policy BO-TH1 are moved to the supporting text. I recommend amalgamating the list of highway measures in Policy BO-TH1 into the list of facilities and infrastructure in Policy BO-CF4. I recommend modification to the first sentence in Policy BO-CF4 to read as follows:

97. Developer contributions or provision will be sought, where appropriate, and Community Infrastructure Levy will be used, when available, for improved community facilities and infrastructure in the Parish.

POLICY BO-TH2 Footpaths/cycleways/connectivity

98. WNJCS Policy BN2 supports development that maintains and enhances existing habitats or delivers a net gain in biodiversity.

99. Policy BO-TH2 supports proposals that seek to enhance and improve the existing footpath/cycleway network. However, it is not clear why all three criteria in the second paragraph need to be satisfied to achieve this aim. In the interest of clarity, to achieve the aim of this policy, I recommend that the policy is modified to state that the list of criteria to enhance and improve the network will be supported, rather than requiring such enhancement for all proposals. This would meet the Basic Conditions, particularly where it contributes towards the environmental role of sustainable development.

100. Recommendation: to meet the Basic Conditions, I recommend modification to Policy BO-TH2 to read as follows:

To maximise accessibility to residents and to support local biodiversity, proposals for the following enhancement and improvement of the existing footpath/cycleway network, as shown on Map 5 (Page 29), will be supported:

- enhanced public access and appropriate signage from residential areas;
• new footpaths and cycle routes linking to existing and new networks; and
• linkages to wildlife corridors and provision of landscaping and planting along routes to support local biodiversity objectives such as provision of new areas of woodland, new hedgerows, grassland and wetland habitats.

Employment

POLICY BO-E1 Supporting existing local employment.

POLICY BO-E2 New local employment opportunities.

101. One of the core principles in the NPPF includes the need to proactively drive and support sustainable economic development. WNJCS Policy S1 is a strategic policy regarding the distribution of development. This policy seeks, amongst other matters, the strengthening of rural enterprise, whilst enhancing and maintaining the distinctive character and vitality of rural communities. WNJCS Policy E1 seeks to retain existing employment sites. WNJCS Policy R2 supports proposals that sustain and enhance the rural economy.

102. Policy BO-E1 seeks to support existing employment and resist loss of existing premises. As regards the loss of premises, I am concerned that the requirement in Policy BO-E1 to make alternative provision of employment premises is not workable or practical given the necessary considerations and processes for allocating employment sites. In order to ensure a practical framework for decision making, I recommend deletion of this latter part of Policy BO-E1.

103. Policy BO-E2 encourages new employment opportunities, subject to a list of criteria, including being of a scale appropriate to the village. This is in general conformity with strategic policy.

104. Subject to my recommended modification to Policy BO-E1, I consider that both these policies have regard to national policy, contribute towards the achievement of sustainable development and are in general conformity with development plan strategic policies. As such, I consider these policies meet the Basic Conditions.

105. **Recommendation:** to meet the Basic Conditions, I recommend modification to Policy BO-E1 by the deletion of the last sentence.

Community Facilities and Open Spaces

POLICY BO-CF1 Protection of local green spaces

106. Paragraph 76 in the NPPF allows for neighbourhood plans to *identify for special protection green areas of particular importance to them.* By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.
107. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

*where the green space is in reasonably close proximity to the community it serves;*

*where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*

*where the green area concerned is local in character and is not an extensive tract of land.*

108. I must emphasise that in order for an area to be designated as a Local Green Space, it has to meet all the criteria for designation.

109. I have spent a considerable amount of time looking at the areas proposed to be designated as Local Green Spaces. As there are a considerable number of proposed Local Green Spaces, for ease of reference, I refer to each parcel in accordance with the numbering on the Inset Map for Barby and Ta

110. Sites 7 and 9 are small areas with seating. Although site 7 is predominately paved, it is a small pocket garden that provides seating for local residents. I consider these sites are demonstrably special and hold a particular local significance with regard to their use by the community.

111. The play areas at sites 5 and 8 are clearly demonstrably special and hold a particular local significance with regard to their recreational value.

112. Sites 6 and 16 are very small green areas serving as local landmarks. I consider these sites are demonstrably special and hold a particular local significance with regard to their contribution to the character of the village.

113. Site 15 is a planted woodland. I consider this site is demonstrably special and holds a particular local significance with regard to its tranquillity and value as an informal recreation area.

114. Sites 4 and 13 are wide open verges. I consider these sites are demonstrably special and hold a particular local significance with regard to their contribution towards the open character of the village.

115. Sites 10 and 14 are allotments. I consider these sites are demonstrably special and hold a particular local significance with regard to their recreational value.
116. Site 3 is an orchard adjacent to the village boundary. I consider this site is demonstrably special and holds a particular local significance with regard to its recreational value.

117. Site 12 comprises the war memorial and garden. I consider this site is demonstrably special and holds a particular local significance with regard to its historic significance and contribution towards the open character of the village.

118. Site 1 provides informal recreation and seating. I consider this site is demonstrably special and holds a particular local significance with regard to its contribution towards the open character of the village and value for informal recreation.

119. Site 11 is a green overgrown area close to the Church. Not all Green Spaces have to be areas of well-kept landscaped space. I consider this site is demonstrably special and holds a particular local significance with regard to its contribution towards the open character of the village.

120. Site 2 is the Tennis Court site. Apart from the front boundary hedge, the area is hard court. Paragraph 76 in the NPPF specifically refers to green areas with regard to Local Green Space designation. I do not consider this to be a green area. Thus, I consider the tennis court site is not a Local Green Space. Therefore, I recommend deletion of this site from the list in Table 3. This will not significantly affect the future use of the site as its continued protection from a change of use is referred to in Policy BO-CF3.

121. As explained above, all Local Green Spaces on the Inset Map for Barby, apart from the tennis court site, meet the criteria for designation as Local Green Spaces.

122. In the interest of precision, I recommend that a separate inset OS based map, (or a number of maps), identifying the Local Green Spaces is included in the Plan and cross referred to in Policy BO-CF1. This should be at an appropriate scale that ensures the precise boundaries of the Local Green Spaces are clearly identifiable, particularly as some of them are very small.

123. I sought clarification from the Parish Council via DDC regarding a discrepancy I found been Table 3 and the Inset Map for Onley. The response from the Parish Council was as follows: Regarding the Green Spaces in Onley, actually that is a mistake in the plan we have all missed. Number 17, 18 and 19 in Table 3 (pages 33 to 34) should have been removed. We discovered they are all part of the Open Space Land referred to in 5.6.5 so are not Local Green Spaces. The map was corrected but we forgot to remove the entries in the table.

124. It is clear from the above that no land at Onley is designated as Local Green Space in the Plan. In the interest of clarity, I recommend deletion of sites 17, 18 and 19 in Onley from Table 3.

125. The NPPF states that development of Local Green Spaces will only be in very special circumstances. It does not include allowing development where
necessary to support the area’s role and function. Therefore, to have regard to national policy, I recommend deletion of such a reference in Policy BO-CF1.

126. **Recommendation: to meet the Basic Conditions:**

I recommend the deletion of Site 2 Tennis Court and Sites 17, 18 and 19 from Table 3. I recommend the deletion of Site 2 Tennis Court from the Inset Map for Barby.

I recommend that a separate inset OS based map, (or a number of maps), identifying the Local Green Spaces is included in the Plan and cross referred to in Policy BO-CF1. This should be at an appropriate scale that ensures the precise boundaries of the Local Green Spaces are clearly identifiable.

I recommend modification to Policy BO-CF1 to read as follows:

The local green spaces as identified in Table 3 and shown on [Insert Map(s) on Page x] are designated in accordance with paragraphs 76 and 77 of the NPPF:

New development which impacts adversely on the openeness of these sites will only be permitted in very special circumstances.

**POLICY BO-CF2 Protection of open spaces**

127. Policy BO-CF2 identifies Barby sports field and Onley open space as areas to be protected. The sports field clearly has recreational value. The Onley open space is restricted by covenant to use only for recreational and amenity purposes. This policy meets the Basic Conditions, particularly in that it meets the core principle in the NPPF of taking account of the different roles and character of an area.

**POLICY BO-CF3 Protection of Local Community Facilities**

128. Paragraph 28 in the NPPF promotes a strong rural economy. It states that neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

129. Policy BO-CF3 seeks to protect a list of community facilities from change of use unless justified. This justification includes requiring evidence that a site has been marketed without securing a viable use for the facility. In the interest of precision, I recommend modification to this part of the policy to refer to a viable ‘community’ use. Subject to this modification, Policy BO-
CF3 meets the Basic Conditions, particularly where it has regard to national policy and contributes towards the social role of sustainable development.

130. **Recommendation:** to meet the Basic Conditions I recommend modification to criterion 2. In Policy BO-CF3 to read as follows:

2. Satisfactory evidence is produced that the site has been actively marketed for a prolonged period of 12 months or more without securing a viable community use for the facility.

**Next Steps**

131. This section of the Plan will need to be updated or deleted as it is now out of date.

**Referendum and the Barby and Onley Neighbourhood Development Plan Area**

132. I am required to make one of the following recommendations:

- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or

- the Plan as modified by my recommendations should proceed to Referendum; or

- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

133. **I am pleased to recommend that the Barby and Onley Neighbourhood Development Plan 2015 – 2029 as modified by my recommendations should proceed to Referendum.**

134. I am required to consider whether or not the Referendum Area should extend beyond the Barby and Onley Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.
Appendix 1 Background Documents

The background documents include

- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012)
- The Neighbourhood Planning (General) (Amendment) Regulations (2015)
- The Planning Practice Guidance (2014)
- The West Northamptonshire Joint Core Strategy Local Plan (Part 1) (adopted on 15 December 2014)
- Saved Policies in the Daventry District Local Plan, (June 1997)
- The Settlements and Countryside Local Plan (Part 2a) Issues and Options Consultation Report.
- Regulation 16 Representations
- 2029 Screening Report for: Strategic Environmental Assessment and Habitats Regulation Assessment (October 2015)
- Planning Policy Assessment and Review of Technical Evidence Base to inform the Barby and Onley Neighbourhood Development Plan (May 2015)
- The Barby and Onley Neighbourhood Development Plan Consultation Statement (December 2015)
- The Barby and Onley Neighbourhood Development Plan Basic Conditions Statement