

Barby and Only Regulation 16 comments. Response from the Qualifying Body

National Highways

No further comments.

Historic England

No further comments

Environment Agency

In relation to Policy ENV12, criterion a is very long and wordy and should be strengthened to provide a clear direction in line with the flood risk guidance in the National Planning Policy Framework (NPPF).

The local community's wish is to specify conditional criteria relating to their particular concerns while also having regard for NPPF paras 167-173. Restating the NPPF (which is longer) would not cover this local detail and could be criticised for not adding anything additional to national policy.

In addition, further to the reference to the sequential test at the end, it would perhaps be useful to add a footnote explaining that more information about this can be found in Flood risk and coastal change - GOV.UK (www.gov.uk)

We are happy for this footnote to be added.

Related to this, we are concerned about the wording in this criterion which reads 'Development proposals of one or more dwellings and/or for employment or agricultural development should demonstrate that: a) if in a location susceptible to flooding from rivers or surface water (figure 14.3), no alternative site is available;..'

This may be misleading as there are scenarios whereby the Environment Agency would object in principle to the development. For example, developments classified as highly vulnerable in Annex 3 to the NPPF (for example, mobile homes intended for permanent residential use) that are located in flood zone 3 would be an objection in principle based on table 2 of the Government Guidance on Flood Risk and Coastal Change.

Please can criterion c be amended to address this point.

We believe that the policy is clear enough as it is written, however if the Examiner believes that an amendment is required, we are content to modify criterion (a) as follows: 'Providing there are no overriding objections in principle from the Environment Agency or other statutory bodies, development proposals of one or more dwellings and/or for employment or agricultural development should demonstrate that: a) if in a location susceptible to flooding from rivers or surface water (figure 14.3), no alternative site is available;

Finally, we also advised previously the flood zone 3 shown in green in Figure 14.3 is associated with non-main rivers and may be based on 2004 modelling which will soon be updated late 2024/ 2025 with the new National Model. You were advised to ensure this Figure is updated

to reflect this, if necessary, as the Neighbourhood Plan progresses. We suggest that you add some wording associated with this figure advising of this point.

The NP Review will be examined against existing policy and the latest mapping as contained in the NP submitted to WNC. The new maps will need to be incorporated as necessary through further review as necessary.

We are content for the following to be added 'Figure 14.3 includes Environment Agency mapping and modelling of Flood Risk Zone 3 from 2004. Proposals and decisions to which this policy applies should check and refer to the latest (2024-5 national model) Environment Agency mapping.'

D McCormack

The objection to the allocation is noted, however, the site assessment process was undertaken by an independent and well-regarded planning consultancy and is the preferred site to be taken forward.

The development referred to on a separate piece of land adjacent to the site allocation was not preferred as it is outside of the Village Confines.

Middleton Family

The comments are noted. There is no housing requirement for the neighbourhood area over the plan period. It is therefore at the discretion of the Qualifying Body to allocate a site and for how many.

It may be that future housing need supports the requirement for further development in the neighbourhood area over time, but this is not the case over the plan period and any claim that the NP Review fails to address this is invalid.

The respondent wishes to promote their own land as an alternative to the allocation and this is noted.

Natural England

No specific comments made

Cadman Sporting Limited

These comments are similar to those raised at Regulation 14. Amendments were made to the Submission version of the NP Review to take these comments into account.

Policy Env 11 does not 'single out' a specific site but covers the whole Parish.

The supporting text just identifies certain causes of noise within the Parish ie motorways, trunk roads & gun club.

In relation to the Views Appendix F – we disagree that there are only images and no descriptions. Each view is described and the evidence presented is proportionate for a neighbourhood plan.

In terms of the view taken from Norcroft Lane - this is a popular walking route (one of reasons why view chosen), hence the view across the fields is not just transient but one of the reasons why many walkers & horse riders choose this route

The Qualifying Body remain of the view that noise is an important consideration locally and it is reasonable to limit the impact that development has on the environment and residential amenity.

Anglian Water

Policy Env 1: Local Green Spaces

The policy designates areas of Local Green Spaces (LGS) within the neighbourhood plan area. Anglian Water does have assets forming part of our water and water recycling network (e.g. rising mains and sewers) located in or in the vicinity of these designated areas of local green space. For example, there are water pipes which cross under the areas 3, 5 and 9.

Whilst we do not consider that any operational works or enhancements to our assets should be prevented, it would be prudent if the neighbourhood plan clarified that this relates to national policy on the Green Belt as set out in para. 107 of the NPPF (2023) "Policies for managing development within a Local Green Space should be consistent with those for Green Belts." This would provide the policy basis for decision-making if any future development was proposed on these sites.

The Qualifying Body considers that the policy as currently written provides sufficient flexibility to enable essential works without compromising the policy intent and is concerned that specifying specific 'special circumstances' such as this is unnecessary. If, however, the Examiner wishes to make an amendment, the following might be appropriate: 'Development proposals that would result in the loss of, or have an adverse effect on, the following Local Green Spaces (evidence base Appendix D; locations figure 3) will not be permitted, other than in very special circumstances, including where the proposal is essential to the role and function of the open space, or in circumstances where the proposal relates to necessary development connected with the water and recycling network'.

D French

Comments noted. The Village Confines have traditionally excluded properties such as stables which relate to the countryside rather than the built-up area and this principle is continued in the NP Review.

J Marine Ltd

OSSR designation ENV2

1. The Qualifying Body is content to remove the incorrect reference to O-04 as 'Open Space land in 2016 NDP'; replace with 'Amenity Open space, this Plan'. We note that West Northants Council's position is that O-04's omission from the Daventry Open Spaces Assessment 'does not prevent the Neighbourhood Plan from identifying open spaces that are locally valued'.

2. In our view, the designation should be retained. Condition 13 of the Planning Permission granted to JMarine Ltd for Application DA/2012/0440 (19th December 2013) required the proposer to submit a landscape management plan, including measures for public access. The Officer report forming part of the Permission states (p.39) "The creation of green infrastructure which will be accessible to the local community and public generally through the use of permissive footpath network connecting to existing public footpath network and towpath alongside the canal" and (p.25) "Approximately 17.8ha of land will be formed to provide "public parkland" providing a mix of open spaces, games areas, picnic areas, woodland planting, wetland areas, meadows and other biodiversity opportunities" [the QB

also notes the relevance of the much of this to their response on Policy ENV 3]. A Section 106 agreement also formed part of the Planning Permission on DA/2012/0440: Schedule 3 sets out the owner's covenants with the Council (then Daventry DC) in respect of access to the open spaces on the development site via permissive paths. Site O-04 is self-evidently part of the land covered by condition 13 and the relevant part of the Section 106 documentation. It was open space before 2013 (one of the contiguous open spaces surrounding the houses in Onley Park); it remains so in 2024, with no fencing or other boundary marking to distinguish it as separate from the rest; and it is managed (mowing etc.) as 'parkland' by members of the community. Open Space O-04 is the only one in marina ownership to have been identified for OSSR designation, primarily because it is part of the Onley Park open space land, geographically separate from the marina.

The QB can reassure JMarine Ltd that there is no intention by them (or presumption in the open space designation) to build on the site, to install equipment, or in any other way alter its designation or function from amenity open space to any other type of Open Space, Sport & Recreation facility.

Sites and features of natural environment significance ENV3

Retain the policy wording.

Removing the designation (as sites of natural environment significance) of the open water and other green infrastructure areas of the marina site from the NP would be inconsistent with inclusion of the several other 'wildlife sites identified by the Neighbourhood Plan' under policy ENV3 and shown in figure 5 (to which no objections have been received). Basic ecological principles were applied when these sites were identified: they all have higher biodiversity value than the 'background level' of the rest of the Neighbourhood Area, they were part of the landscaping element of the original application DA/2012/0440 whose intention was habitat creation, and they thus have significance locally and nationally for their contribution to the post-2023 objectives of the National Framework for biodiversity protection and net gain. Policy ENV3 requires balanced decision-making (relative merits of development versus wildlife protection), it does not impose statutory protection against development. The Qualifying Body has assumed that, within the lifetime of the Neighbourhood Plan, the owner would not wish to re-develop components of a successful business in a way that would also destroy the habitats and species that give biodiversity value to the areas mapped in figure 5. They also note that any future development proposals on the site would have to comply with the current National Framework's requirement to deliver biodiversity net gain at 10%.

Biodiversity across the Neighbourhood Area ENV4

Retain the policy wording.

Removing the reference to trees 'regarded as significant by the community' would remove the intended (non-statutory, subject to the normal decision-making process) protection of all such trees across the Neighbourhood Area; it would be a disproportionate and inconsistent change. The principle of this part of ENV4 is also based on national planning practice in relation to decision-making regarding protection of trees on development sites.

Wildlife corridors ENV4

Retain the policy wording.

Redrafting the wildlife corridor to avoid the marina area would be a disproportionate and inconsistent change. As in Policy ENV3, the marina includes sites with the demonstrable

locally-high biodiversity value on which the principle of wildlife corridors is based and for which the wildlife corridors provide connectivity.

Views ENV10

Retain the policy wording.

Removing this view from ENV10 would be a disproportionate and inconsistent change; the view west from the canal is as important to the community as the others identified by the policy, and is as described. The policy is not statutory – it requires only mitigation (layout, building height, etc.), where practicable and reasonable, of the adverse effects of new development proposals. The Qualifying Body does not intend it to restrict the activities and services of the existing marina business.

Local Employment

Policy CS2 is no more restrictive than the policy in the Made NP, which required proposals to re-use a brownfield site, to be the conversion of an existing building, and/or to be of a scale appropriate to the village.

Farm diversification

We believe that the policy is sufficiently clear.

WNC

Policies map

The Qualifying Body considers that a policies map is unnecessary given the wide range of designations that are more clearly shown through individual maps. This point was accepted by WNC following a recent examination at Great Oxendon so we are surprised that the question is again being raised.

Traffic and highways objective 9

The wording in brackets is the correct objective to be stated and can be used.

Policy H1

A site capacity of 4 was considered by the Qualifying Body to be appropriate in view of the size of the Parish. And provides a good balance between meeting the local need for smaller dwellings and bungalows without causing harmful effects that greater numbers of housing might bring if the site were to be developed further.

The need for affordable rented can be met through regular turnover of existing affordable housing, whilst the 'need' for affordable low cost home ownership is rarely a 'need' as most people seeking this product are currently adequately housed.

The Qualifying Body does not seek additional housing on the site.

Housing mix.

Although the HNA identified a shortage of 1-bed dwellings, these are not considered appropriate locally and are not therefore identified as part of the future housing mix.

1 bed dwellings are not favoured locally as younger households can require a spare room for friends to stay, and older households can require room for relatives or carers.

First Homes discount

The HNA identifies a 50% discount being required to enable local people to access the product, subject to viability. The policy should stand as the evidence is provided in the HNA.

Windfall

The Qualifying Body wish to retain the reference to 'small-scale':

We are content for the word 'Barby' to be inserted before 'Village Confines' as suggested, and for 'and within the built-up area of Onley' to read "Development of infill and/or redevelopment sites comprising individual dwellings or small groups of dwellings within the Barby Village Confines and within the built-up area of Onley will only be supported where it:"

Wildlife

We are content for "sites of significance for wildlife" to be changed to "sites of importance for nature conservation" to recognise the importance of habitats, animals and plants rather than unspecified 'wildlife'. The 'wildlife' reference here and elsewhere comes directly from its use as a criterion for Local Green Space candidacy in paragraph 76 of the 2012 National Framework (first reference in para 9.1, p31 of the Plan, which has been carried forward onto this Review from the original Barby & Onley NP).

Figure 5

We do not see the need for the recommended change.

Para 9.9

We are content for the change to be made.

Policy Env 3

We think the reference to biodiversity net gain should be kept.

Para 9.10

We are content for the change to be made.

Para 9.13

We are content for the change to be made.

Appendix E

We consider that Appendix E provides sufficient evidence of the appropriateness of each building and structure identified. The QB does not wish to remove any of the NDHAs as these were selected by the Parish in consultation to the Parish's Historical Society to be of importance & special significance to the community.

Policy Env 4

We are content for the change to be made.

Historic Environment

We think that the current layout is appropriate.

Historic Environment Significance

We would prefer to keep the heading capitalised

Env6

We are content for the change to be made.

Env 7

The term 'outweighed by the benefits of the development' seems appropriate and is reflective of a policy at Arthingworth on ridge and furrow which uses the same term. We would prefer to retain the wording.

Grand Union and Oxford Canal

We are content for the section to be moved as suggested, but we do not think it is a significant issue.

Env 8

We think that the evidence base is sufficient and would prefer to retain the policy wording which, as previously indicated, is similar to the words used in Arthingworth, which is already a part of the WNC Development Plan.

Env 14

a) We are content for the criteria mentioned to be removed from the list

b) Agreed: we are content for the term 'identified views' to be replaced by 'important views':

c) The adverse effects would include, inter alia, disproportionately long or inconvenient diversions and change of users' experience from a rural to an 'industrialised' character

e) We are content for this change to be made

CS1

This will be a matter of judgement at planning application stage. We would prefer to retain the policy as written to ensure appropriate safeguards.

CS2

The terms 'well integrated' and 'complement' are incorporated into the policy on new employment at Arthingworth, within the WNC Development Plan. Its use in Barby and Onley should be the same as there.

CS3

If it is considered necessary to locate the facilities on a map, we are content for this to be done.

A Finch

The objection to the allocated site is noted, however the site selection process was thorough and independently led.

The QB can only consider land that is out forward by landowner; the examples given of alternative land was not submitted so could not be considered.

L Cronin

We note the objection to the allocation but disagree that development will create the problems highlighted.

The QB can only consider land that is out forward by landowner; the examples given of alternative land was not submitted so could not be considered.

Dandom Properties Ltd.

Policy H1

In terms of the housing allocation proposed, the original School Close is a rather odd development probably allowed under the 'exceptions' Local Plan policy at the time it was granted and on the edge of the village confines, further separated from the village by the primary school. Aside from the school and cricket club, it is located some 600+ metres away from the village centre's amenities which might deter walking and therefore encourage car use, especially if elderly/infirm or being less able bodied. The site seems easily capable of accommodating several dwellings and it might be difficult therefore to restrict its development to the four units proposed. (Extract)

The comments are noted; however, the site is within the Village Confines and is considered an appropriate location for development. The Qualifying Body has chosen after a thorough assessment process to allocate a single site for development and the site put forward by Dandom Properties Ltd is not considered a suitable alternative.

Policy ENV 5: Wildlife Corridors

DLP object to this policy and 'Figure 6'. There is no evidence to support the need for this policy

and no ecology surveys have taken place on my client's land. Accordingly, it is considered that the

policy fails the basic requirements for development plan policies as per national guidance and the

NPPF. There is no credible or robust basis for such a policy which seems to be intended to frustrate future development.

As the narrative (para 9.14) introducing policy ENV 5 explains and the key to figure 6 makes clear, the function of the areas mapped in green on figure 6 is to connect sites with known biodiversity significance, generally along linear features, to allow populations and habitats to interact. The evidence for the policy is that the corridors are self-evidently located thus, not necessarily that they have high inherent biodiversity (survey, recorded species). The policy (which is neither absolute nor statutory) does not prevent future development; it merely requires that the effective, ongoing functioning of a wildlife corridor is taken onto account when proposals in the green-shaded areas are prepared and decided upon. Most proposals in a rural Neighbourhood Area like Barby/Onley would be considered to have no adverse impact on this, while others might require modification, or conditions to be applied to consent. The policy does not seek to 'frustrate' development proposals and the acknowledged (in the National Framework) importance of preventing further net loss of England's declining biodiversity.