

## **Barnsley Metropolitan Borough Council**

### **Decision Statement – Oxspring Neighbourhood Development Plan**

#### **Planning and Compulsory Purchase 2004 & The Neighbourhood Planning (General) Regulations 2012**

#### **Regulation 18 Decision Statement**

##### **1. Summary**

- 1.1. Following an independent examination, modifications are being made to the Oxspring Neighbourhood Development Plan as set out in Table 1 below.
- 1.2. In accordance with the Independent Examiner's recommendations, the Oxspring Neighbourhood Plan will proceed to referendum based on the Oxspring Neighbourhood Area as designated by Barnsley Metropolitan Borough Council on 20 May 2015.
- 1.3. This Decision Statement, the Examiner's report and the draft Submission Oxspring Neighbourhood Development Plan and the final Oxspring Neighbourhood Development Plan incorporating the recommendations of the Independent Examiner, together with supporting documentation are available on the Council's website at [www.barnsley.gov.uk/oxspring-ndp](http://www.barnsley.gov.uk/oxspring-ndp). They are also available on the Oxspring Parish Council website at <https://www.oxspring-parish.com/>
- 1.4. Paper copies of the Decision Statement and the Examiner's report and the submission and final versions of the Oxspring Neighbourhood Development Plan are also available for inspection at:
  - Barnsley Library in Wellington House, 36 Wellington Street, Barnsley S70 1WA and;
  - Penistone Library, High Street, Penistone, Sheffield, S36 6BR.

##### **2. Decisions and Reasons**

- 2.1. The Examiner has concluded that subject to the specified modifications being made to the Plan, the Oxspring Neighbourhood Development Plan meets the Basic Conditions stated and other relevant legal requirements.
- 2.2. The Council accepts all the modification and the reasons put forward by the Examiner for them. The Examiner's reasons and recommended modifications are set out in Table 1. There is one additional change which has been agreed with the Parish Council, which clarifies that the Plan was examined having regard to a now superceded version of the National Planning Policy Framework.
- 2.3. The Council and the Parish Council have agreed one further change listed at the end of table 1 which clarifies the reference in the Planning Policy Context to the National Planning Policy Framework.
- 2.4. The Council is satisfied that subject to the modifications specified in Table 1 below the Plan meets the relevant Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under S38A and s.38B of the Planning & Compulsory Purchase Act 2004.

2.5. To meet the requirements of the Localism Act 2011, a referendum which poses the question “Do you want Barnsley Metropolitan Borough Council to use the Neighbourhood Development Plan for Oxspring to help it decide planning applications in the neighbourhood area?” will be held in the Oxspring Neighbourhood Area. It is anticipated that the referendum will take place in May 2019.

This Decision Statement is dated 6 March 2019

Table 1: Oxspring Neighbourhood Development Plan Schedule of Modifications

Modification Number	Paragraph Number (Examiners Report)	Examiner's Recommendation/Proposed Changes	Page Number in examined Neighbourhood Plan	Examiner's Reasons
<b>General Matters Recommendation 1</b>				
1.	50	Insert a Glossary as an appendix to the Plan	New appendix to be added.	I recommend that a Glossary is added to the Plan in the interests of clarity and an aid to readers who may not be familiar with technical terms. This should cover all the acronyms used in the Document. The NPPF and the Local Plan contain useful glossaries as a guide.
<b>Introduction and Background Recommendation 2</b>				
2 (i)	51	Introduce a key to the map on page 7 to explain the Plan boundary	Page 7. (amended plan attached at end of this schedule)	The map on page 7 would benefit from a key to clarify that the boundary is that of the Plan area.
2(ii)	52	In paragraph 2.5 delete the following: "Housing need in the west of the Borough will, in accordance with the adopted Barnsley Core Strategy, be met predominantly in Penistone; only small infill and windfall sites will come forward in Oxspring. This is because Penistone is considered to be a more sustainable settlement with a range of services and facilities."	Page 9.	The reference to the Core Strategy policy in para 2.5 should be deleted as the Local Plan has superseded that Plan.
2(iii)	53	Alter paragraph 2.9 as follows: "The Parish Council are committed to review the	Page 10	Paragraph 2.9 expressing a desire to review the Plan three years after

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		Plan within three years."		the adoption of the Local Plan needs updating to account for adoption of the Local Plan.
<b>Planning Policy Context Recommendation 3</b>				
3(i)	54	<p>Delete paragraphs 3.1 and 3.2 and replace with the following;  "The current planning context is enshrined in the Barnsley Local Plan, January 2019, adopted on 3.1.19 during the examination into the neighbourhood plan. This superseded saved Barnsley Unitary Development Plan 2000 policies and the Barnsley Core Strategy, 2011.</p> <p>This Neighbourhood Plan was prepared in tandem with the then emerging Local Plan and has taken the associated evidence and policies into account. Technically this Plan was prepared mainly at a time when it had to have general conformity with the saved UDP and Core Strategy policies. The examination into the Plan also had to consider whether it was in general conformity with the Local Plan, January 2019, adopted at the time of the examination. It was concluded that on the basis of the policies proposed with some modifications this Plan is in general conformity with the adopted Local Plan, January 2019."</p>	Page 11	This (the Planning Policy Context) needs updating to reflect the adoption of the Local Plan on 3.1.19.
3(ii)	55	Delete paragraph 3.5.	Page 12	There is reference in paragraph 3.5 to the evidence document

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				"Planning Policy Background and Evidence Base Review". This was not submitted as part of the regulation 16 submissions and technically therefore does not support the "Basic Conditions Statement" in relation to the need to conform generally to strategic policies. As it refers to the emerging Local Plan it could cause confusion and therefore I recommend that reference to it be deleted.
<b>Key Planning Issues Recommendation 4</b>				
4(i)	56	<p><b>Housing</b></p> <p>Delete paragraphs 5.1.1, 5.1.2 and 5.1.3 and replace with the following;  "Oxspring is identified as a village in the Settlement Hierarchy specified in the Local Plan. The Local Plan policy LG2 Location of Growth directs development to Barnsley and principal towns. Villages are generally required to accept some modest development.</p> <p>Oxspring is inset within the Green Belt and the Local Plan proposes a housing site allocation, Site HS89 land off Roughbitchworth Lane for 22</p>	15	These (key planning issues) do not take into account the adoption of the Local Plan and superseding of the saved UDP policies and Core Strategy. This section needs updating to be consistent with strategic policies.

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		<p>dwellings. Development is required to respect the trees, biodiversity and archaeological merits of the site.</p> <p>In addition to this site, Policy H4 allows small sites, less than 0.4 hectares within the village and Policy H5 allows larger sites over 04 hectares provided they are within the village, located on previously developed land and close to services and public transport.</p> <p>Policy H6 "Housing Mix and Efficient Use of Land" states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities."</p>		
4(ii)	56	<p><b><u>Environment/Energy</u></b></p> <p>In paragraph 5.2.2 in the first sentence delete "Adopted Core Strategy and emerging"</p>	16	These (key planning issues) do not take into account the adoption of the Local Plan and superseding of the saved UDP policies and Core Strategy. This section needs updating to be consistent with strategic policies.
4(iii)	56	<p><b><u>Employment</u></b></p> <p>In paragraph 5.3.1 delete "emerging new Local Plan Publication Draft 2016 Site P2" replace with "Local Plan, Site ES19..."</p> <p>Delete "The emerging policy (Minor modifications v 1.5)", insert "The Local Plan".</p> <p>After fourth bullet point insert the remainder of</p>	16 & 17	These (key planning issues) do not take into account the adoption of the Local Plan and superseding of the saved UDP policies and Core Strategy. This section needs updating to be consistent with strategic policies.

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		<p>the policy as follows;            "Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:</p> <ul style="list-style-type: none"> <li>• Information identifying the likely location and extent of the remains, and the nature of the remains;</li> <li>• An assessment of the significance of the remains;</li> <li>• Consideration of how the remains would be affected by the proposed development"</li> </ul>		
4(iv)	57	<p><b><u>Sports and Leisure</u></b></p> <p>Delete paragraph 5.4.2 and replace with the following;            "The Barnsley MBC Playing Pitch Strategy 2016-2019, November 2016, Final Report identifies various issues for playing pitch provision and maintenance. It is the Parish Council's intention to carry out more feasibility work to provide changing rooms at Oxspring Recreation Ground."</p>	Page 17	Some of the reference documents need updating.
<p><b>Neighbourhood Development Plan Policies</b>  <b>Recommendation 5</b></p>				
5(i)	58	In paragraph 6.0.2 in the second sentence after National Planning Policy Framework (NPPF) delete	19	Section 6 needs updating to take account of the adopted Local Plan.

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		the rest of the sentence and insert "and adopted Local Plan policies."		Some information requires clarification.
5(ii)	59	Delete paragraph 6.0.3	19	The document "Planning Policy Assessment and Evidence Base Review" now refers to superceded strategic policies and is confusing and reference to it should be deleted.
5(iii)	60	At the start of paragraph 6.1.1 alter the first two sentences as follows; "The Office for National Statistics reports that (then continue as per submitted Plan) <i>Lower Super Output Area (LSOA) etc...</i> ".  In the fourth sentence in paragraph 6.1.1 after "by the Council advised that..." insert "the average".	20	Some information requires clarification.
5(iv)	58	Delete paragraph 6.1.2  In paragraph 6.1.3 delete emerging Local Plan Publication Draft (as amended by proposed Minor modifications V1.5), insert "Local Plan"  In paragraph 6.1.3 after "more growth than villages to accord with", delete "its". Delete the rest of the paragraph and insert two new paragraphs as follows:	20 & 21	Section 6 requires updating to take account of the adopted Local Plan.

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		<p>"Oxspring is inset within the Green Belt and the Local Plan proposes a housing site allocation, Site HS89 land off Roughbirchworth Lane for 22 dwellings. Development is required to respect the trees, biodiversity and archaeological merits of the site.</p> <p>In addition to this site, Local Plan policy allows small sites, less than 0.4 hectares within the village and Policy H5 allows larger sites over 0.4 hectares provided they are within the village, located on previously developed land and close to services and public transport."</p> <p>In paragraph 6.1.4, delete "25%" insert "30%", delete "H8", insert "H7", delete "which may be feasible on sites of 0.4ha".</p>		
<b>Housing Recommendation 6</b>				
6(i)	61 & 62	<p>Add the following sentence to the end of paragraph 6.1.5;  "The following policy requires the application of a local connection as a priority in the allocation of affordable housing in the Plan area."</p> <p>Delete the first two paragraphs in Policy OH1. In the third paragraph of the policy after "or more", insert "in accordance with Local Plan Policy H7</p>	21 & 22	This policy is a partial repeat of Local Plan policies H4 "Residential Development on Small Non-allocated Sites", H5 "Residential Development on Large Non-allocated Sites", H6 "Housing Mix and Efficient Use of Land" and H7 "Affordable Housing". This repetition is as a result of the

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		<p>Affordable Housing"</p> <p>In the italicized text after the policy after "Berneslai Homes" delete "Strategic Housing", insert "Housing and Energy"</p>		<p>adoption of the Local Plan at a late stage during the examination. This is confusing and not clear as the repetition selects aspects of the individual policies.</p> <p>The reference to local connection is unique to this Plan and is evidenced in the "Housing Needs Advice", produced by URS. I consider this can be retained as it supports principles in the NPPF to establish strong sustainable communities, particularly in rural areas but the remainder of the policy (OH1) should be deleted.</p>
6(ii)	63	Delete paragraph 6.1.6	22	<p>Paragraph 6.1.6 appears to be seeking to establish a presumption against large housing developments but is vague as to the scale of development to which it refers and could be in conflict with Local Plan policy, which in some circumstances allows developments over 0.4 hectares. The status of this text is as supporting information adds to the confusion. The design policy OEN4 in the Plan establishes some control to prevent incongruous large estates, which do</p>

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				not respect the local character. I therefore recommend the deletion of this paragraph.
<b>Housing Recommendation 7</b>				
7	68	Delete policy OH2  Insert the following paragraph after paragraph 6.1.6 as follows: "Local Plan Policy GB2 Replacement, extension and alteration of existing buildings in the Green Belt allows the conversion of buildings to dwellings in certain circumstances and sets out parameters for alterations and extensions."	22	This policy is not in accordance with Local Plan Housing Policy h5 "Residential Development on Large Non-allocated Sites" which allows development of over 0.4 hectares. It is also a partial repeat of Local Plan Policy GB2 "Replacement, extension and alteration of existing buildings in the Green Belt". The policy should, therefore, be deleted and a reference to policy GB2 inserted into the supporting text.
<b>Protecting the Local Environment and Promoting Sustainable Energy Recommendation 8</b>				
8 (i)	70	In paragraph 6.2.5 at the end of the bullet point on the River Don insert the following sentence:  "Local Plan Policy GI1 Green Infrastructure seeks to maintain, enhance and create an integrated network of connected and multifunctional Green Infrastructure assets and the Don corridor is identified as a particular asset."	25	In paragraph 6.2.5 the reference to the River Don offers the opportunity to cross-reference Local Plan policy GI1 Green Infrastructure which seeks to maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets and the Don corridor is identified as an asset.

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8(ii)	71	Delete all paragraph 6.2.6 apart from the last two sentences, after "Barnsley Local Plan" delete "Publication Draft 2016". Add to the last sentence "and Policy LC1 protects the Landscape Character".	26	Paragraph 6.2.6 refers to superceded policies and should be updated.
<b>Planning for Climate Change – Policy OEN3 Recommendation 9</b>				
9(i)	77	Introduce the following new paragraph after paragraph 6.2.12: " The Local Plan contains policies CC1 Climate Change and CC2 Sustainable Design and Construction which aim to combat climate change by influencing the design of developments."	35	In the interests of clarity I consider it important to cross-refer to the relevant Local Plan policies in the supporting text.
9(ii)	75	In the policy text in the first sentence delete "All new development must be designed" and insert "Development proposals will be considered in relation to the need". In the penultimate paragraph of the policy text delete "are required" and insert "will be considered in relation to the need".	35	The policy is too prescriptive in its use of the absolute term "must" and requiring "all" developments to conform to the policy requirements. Whilst policies have to be clear the NPPF they should also not be too prescriptive <sup>9</sup> . The requirement for all development to respond to the policy requirements is confusing as it may not always be possible for a variety of reasons. It is more appropriate to state that development will be assessed in relation to these factors and should comply when possible.

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9(iii)	76	Delete the last paragraph in the policy and replace with the following: "Where possible development shall contribute to new or improvement to existing green infrastructure.	36	The requirement to "avoid and protect" areas in Flood Zones 3a and 3b is vague and not in conformity with the NPPF, which in some circumstances allows development under the sequential and exception tests in flood zones 3a and b. The national guidance and Local Plan policy CC3 "Flood Risk" provides adequate protection of these areas. This element of the policy should be deleted.
<b>Built Heritage Assets – Policy OEN4 Recommendation 10</b>				
10(i)	80	Delete criterion 1.	38	Criterion 1 in the policy relating to flood risk is a partial repetition of NPPF guidance and Local Plan policy CC3 "Flood Risk" and omits certain policy elements. It should be deleted.
10(ii)	82	In criterion 2 after "natural landform" insert "of demonstrable interest".	38	The policy needs clarification and precision in some cases.
10(iii)	83	In criterion 5 delete "Designs should take into consideration any views across the valley", insert " Proposals should be designed and located in order not to be unduly intrusive in the landscape and reduce its natural character"	38	Criterion 5 refers to "any views" which is vague in the absence of the identification of specific views. The policy should relate generally to the need to resist intrusive development, which is detrimental to the landscape character.

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10(iv)	84	In criterion 6 delete "obstruct them" and insert "be unduly intrusive".	38	Criterion 6 uses the absolute term "obstruct" which is inflexible and could cause confusion.
<b>Employment and Renewable Energy Recommendation 11</b>				
11(i)	85	In paragraph 6.3.3 alter as follows; Delete "emerging new Local Plan publication Draft 2016" insert "Local Plan", Delete "P2", insert "ES19", Delete (as amended in the proposed Minor modificationsv1.5), Delete "E5",insert "E3",	39	Large parts of the text are superseded following the adoption of the Local Plan. The text needs to be modified to reflect this.
11(ii)	86	Delete paragraphs 6.3.4 to 6.3.7.	40 & 41	It is not possible for the Plan to alter the Local Plan policy, E3 to prevent general industrial and storage uses. This would not be in general conformity with the strategic policy in the Local Plan.
<b>Tourism and the Visitor Economy – Policy OEMP1 Recommendation 12</b>				
12	87	In paragraph 6.3.11 delete the first sentence. Alter the second sentence as follows; "The Local Plan supports a viable rural economy in policies E5 "Promoting Tourism and encouraging Cultural Provision" and E6 "Rural Economy". In the policy delete the first sentence and replace with the following; "Proposals which support a viable rural economy	41 & 42	The policy complements the Local plan Policy E6 "Rural Economy" but there should be explicit reference to that policy in order that it reads as a part of the application of that strategic policy.

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		are encouraged subject to compliance with Local Plan Policy E6 "Rural Economy." In the second paragraph of the policy, delete "where planning permission is required".		
<b>Sports and Leisure – Policy OS1 Recommendation 13</b>				
13(i)	88	Delete the last sentence in paragraph 6.4.4. Insert the following new sentence; "The Local Plan states in paragraph 25.9 <i>"Buildings and space for community use are important if we are to create sustainable communities where people want to live."</i> The opportunity to take part in community life can help to engender community pride and spirit. Therefore community facilities will be protected where possible." The policies Policy I1 Infrastructure and Planning Obligations and Policy I2 Educational and Community Facilities seek to promote community infrastructure."	43 & 44	The policy supports and extends the Local Plan policies aimed at protecting and promoting sports and leisure community infrastructure. The references to the Local Plan need to be corrected to take account of its adoption during the examination.
13(ii)	89	At the end of the first paragraph of the policy insert the following: "subject to compliance with Plan policy OEN2 "Protecting Local Green Spaces".	44	The encouragement of development on the Sheffield Road Playing Field (site G2 on Map2) needs to be cross-referenced to the Plan policy OEN2 "Protecting Local Green Spaces".
13(iii)	90	Delete the second paragraph of the policy.  Insert the following as an extra sentence to the first paragraph;	44	The reference to an "improved playing field" is clearly desirable but it is difficult to define with the requisite precision. This could lead

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		"This shall include proposals for new club facilities/sports pavilion including changing rooms and other facilities for wider community use."		to confusion in applying the policy.
13(iv)	91	At the end of the third paragraph insert "when possible."	44	The need to site buildings adjacent to the existing built-up area is justified to protect openness but needs to be worded more flexibly.
<b>Movement – Policy OM1 Recommendation 14</b>				
14	93	<p>Delete paragraph 6.5.4 and replace it with the following;</p> <p>"The Local Plan Policy T3 "New Development and Sustainable Travel" is aimed at promoting sustainable travel and Policy GS2 "Green Ways and Public Rights of Way" is concerned to encourage links to routes like the TPT."</p> <p>Delete paragraph 6.5.5 and replace with the following:</p> <p>"The Council's decision to adopt CIL will be taken having regard to the result of a national level review and following the preparation of adopted Supplementary Planning Documents detailing various requirements to support plan implementation. In the interim, developer contributions will continue to be sought in accordance with Local Plan Policy I1".</p>	45 & 46	<p>Movement</p> <p>The references to the UDP need to be removed and the relevant adopted Local Plan policies highlighted. The BMBC position regarding the Community Infrastructure Levy (CIL) needs to be clarified in accordance with BMBC's advice.</p>

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		In the second paragraph of the policy delete "proposed" and insert "employment site allocated in the Local Plan on land to the north of Sheffield Road."		
<b>Next Steps Recommendation 15</b>				
15	94	Delete the Next Steps section including the reference in the "Contents".	47 (& 4)	This should be deleted in the final version of the Plan as it describes the process, which will have been completed.
<b>Additional change agreed between Barnsley MBC and Oxspring PC</b>				
		Delete "National Planning Policy is set out in the National Planning Policy Framework (NPPF) <sup>2</sup> published in 2012." Insert "The NDP was examined having regard to the previous National Planning Policy Framework (NPPF) <sup>2</sup> (which was later revised in July 2018)."	11	