

SILKSTONE NEIGHBOURHOOD DEVELOPMENT PLAN

Submission Draft Version

**A report to Barnsley Council
into the examination of the
Silkstone Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Silkstone Neighbourhood Development Plan has been prepared to establish a vision for the parish and to help deliver the local community's aspirations for the villages of Silkstone, Silkstone Common and the surrounding countryside, all within the parish of Silkstone.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - Clarification of the wording of policies and the supporting text; and
 - The improvement of the clarity of the Policies Map.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Silkstone Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Silkstone Neighbourhood Plan.
- 2.2 The Parish of Silkstone is situated in South Yorkshire in the foothills of the Pennines, about 4 miles west of Barnsley and 4 miles east of Penistone. The parish includes the villages of Silkstone and Silkstone Common. At 2011 there were 3,153 people living in the parish in 1374 households.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Silkstone Neighbourhood Development Plan (SNDP) by Barnsley Council (BC) with the consent of Silkstone Parish Council in November 2022. I do not have any interest in any land that may be affected by the SNDP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 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 legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.
- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by

section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. 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 (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

The following prescribed condition relates to neighbourhood plans:

- Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

- 2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

- 2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I

have considered the documents set out in Section 5 of this report in addition to the Submission draft of the SNDP.

- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

Legislative Requirements

- 2.12 The neighbourhood plan making process has been led by Silkstone Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Paragraph 2.4 of the Neighbourhood Plan confirms that Neighbourhood Plan area was designated by BC on 3 May 2017. Paragraph 2.5 of the Basic Conditions Statement confirms that there are no other neighbourhood plans covering this area.
- 2.14 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan states that this is from 2022 - 2033. Paragraph 2.3 of the Basic Condition Statement confirms these dates and that the end date accords with those of the adopted Barnsley Local Plan.
- 2.15 Paragraph 2.4 of the Basic Conditions statement states that the plan does not deal with excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.16 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. I am satisfied that the SNDP policies are compliant with this requirement.
- 2.17 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the SNDP satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.18 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.

- 2.19 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.20 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.21 The NPPF of July 2021 is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019. Paragraph 1.5 in the SNDP refers to the NPPF of July 2021.
- 2.22 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the delivery of strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.23 Table 2 of the Basic Conditions Statement includes comments on how the SNDP has taken account of the six principles of plan making set out in NPPF paragraph 16. Section 3.3 comments on how the Plan has contributed to delivering the key themes of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.24 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.25 Section 3.2 and Table 1 of the Basic Conditions Statement considers in general terms how the Plan supports the delivery of the three themes of sustainable development.
- 2.26 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.27 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan relevant to the area comprises the Barnsley Local Plan adopted 2019.
- 2.28 Table 3 of the Basic Conditions Statement assesses how the Neighbourhood Plan policies are in general conformity with the relevant strategic planning policies.
- 2.29 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.30 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.31 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment (SEA) is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (BC) that the plan is not likely to have “significant effects.”
- 2.32 A screening opinion has been carried out by independent consultants on the pre-submission draft Silkstone Neighbourhood Plan in October 2021. The screening opinion was updated in July 2022 to include the minor changes made to the Submission draft Plan. The results are contained in the report entitled ‘*Silkstone Neighbourhood Development Plan Screening Report for Strategic Environmental Assessment*’.
- 2.33 Tables 1 and 2 of the Screening Report set out the SEA assessment. Section 5 sets out the conclusion that confirms that ‘*SEA is not required*’. The reason for this conclusion is as follows:

“As a result of the assessments in Table 1 and Table 2 above, it is unlikely that there will be any significant environmental effects arising from the Silkstone NDP that were not covered in the Sustainability Appraisal / SEA of the Barnsley Local Plan. The Silkstone NDP does not allocate sites for development, no sensitive natural heritage assets are adversely affected by the proposals in the plan (in fact they are protected) and as such, it is concluded that the Silkstone NDP does not require a full SEA to be undertaken.

“Under its ‘duty to support’, Barnsley Council reviewed the first version of the SEA Screening Assessment and agreed that, based on the preparation of the November

2021 emerging Draft NDP, the NDP did not appear to require a full Environmental Report.”

- 2.34 Consultation was carried out with the statutory environmental bodies on the SEA Screening Report in November 2021. Natural England made reference to significant populations of protected species which are likely to be affected by the policies / proposals within the plan. Following advice from BC, the relevant supporting text and Policy NE2 were reproduced in Appendix 2 of the updated Screening Assessment. Historic England concurred with the conclusions. The Environment Agency were consulted but did not issue a response.
- 2.35 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan's implementation.
- 2.36 A screening opinion has been carried out by independent consultants on the pre-submission draft Silkstone Parish Neighbourhood Plan in October 2021. The screening opinion was updated in July 2022 and to include the minor changes made to the Submission draft Plan. The results are contained in the report entitled '*Silkstone Neighbourhood Development Plan Habitats Regulation Assessment Screening Assessment*'.
- 2.37 The Screening Assessment is set out in Table 1: Assessment of Likely Significant Effects. This assesses the possible impacts arising from the SNDP on relevant designated areas.
- 2.38 Paragraph 3.13 of the HRA Screening Assessment confirms that "*most policies and proposals would not result in significant environmental effects on the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and South Pennine Moors Special Area of Conservation, except in the case of housing allocations within the 5km buffer zone. None of these allocations fall within the Silkstone Neighbourhood Plan area. There are no site allocations in the Silkstone Neighbourhood Plan. It is therefore concluded that no further work will be required in order to comply with the Habitat Regulations.*"
- 2.39 The Silkstone Neighbourhood Plan policies and proposals are written to be in conformity with those in the adopted Barnsley Local Plan which has been subject to Appropriate Assessment. A Table is provided in Appendix 1 which sets out an Assessment of Silkstone NDP policies and their general conformity to the adopted Barnsley Local Plan.
- 2.40 Consultation was carried out with Natural England in November 2021 who responded:

“Natural England agrees with the report's conclusions that the Silkstone Neighbourhood Plan would not be likely to result in a significant effect on any

European Site, either alone or in combination and therefore no further assessment work would be required.

- 2.41 I am satisfied that the SEA and HRA assessments have been carried out in accordance with the legal requirements.
- 2.42 Section 3.6f of the Basic Conditions Statement considers how the Plan has had regard to Human Rights and states that:
- “The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.”*
- 2.43 From my review of the Consultation Statement, I have concluded that the consultation on the SNDP has had appropriate regard to Human Rights.
- 2.44 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the SNDP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.45 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.
- 2.46 Following the designation of the neighbourhood area on 24 June 2020, the following key stages of consultation were:
- An Issues and Options document was published for informal public consultation from 5 April until 17 May 2021. It was placed on the Parish Council’s website.
 - A special Parish Newsletter incorporating a questionnaire was delivered to all 1,380 households in the Parish between 27 February and 20 March 2021. The newsletter set out the proposed Vision and Objectives in the Issues and Options paper, summarised the issues associated with each policy area and outlined the consultation arrangements.
 - In addition, local businesses and groups were contacted by email or letter and invited to comment.
 - A local group of young people: the Silkstone Parish Youth Working Party was also consulted and they produced a video which describes the facilities in the Parish which young people value.

- The consultation was publicised widely, and outdoor events were held in two locations in Silkstone and Silkstone Common in May 2021. In total 54 individual completed responses were returned.
- Landowners were consulted in November 2021 on the proposed Local Green Spaces. No responses were received.
- The plan makers worked with Heritage Silkstone, a local history group, to identify and assess candidate buildings and structures for a local list of non-designated heritage assets. Letters were delivered in November 2021 to all addresses on the proposed list advising property owners of the intention to include their building or structure on the local list and explaining more about this. One response was received with further information about the building.
- The draft Design Code was prepared and placed on the NDP webpages in June 2021 and informal comments invited. In addition Barnsley Council were invited to comment during the summer of 2021 and detailed comments were provided later in the year.

2.47 The Regulation 14 consultation on the pre-submission draft plan took place from 28 February to 11 April 2022.

- The Draft Plan was published on the Parish Council's website with an online response form.
- A special newsletter was delivered to all households which included a copy of the response form;
- Notices were placed on Parish Council notice boards;
- Emails / letters were sent to statutory consultees and local groups and those who responded to the Issues and Options consultation and asked to be kept informed about future consultations;
- Inserts were sent to parents with children at local schools;
- Regular Facebook posts; and
- Discussions were held at drop-in sessions in local meeting rooms with Parish Councillors on Saturday 19 March 2022 and Saturday 26 March 2022. 14 people attended.
- In total, 69 responses were received, 57 from local residents and 12 from statutory consultees.

2.48 Consultation on the Regulation 16 Submission draft Plan was carried out by BC from 7 October to 18 November 2022. In total 7 responses were received from statutory consultees and 16 from local residents.

2.49 I am satisfied that from the evidence presented to me in the Consultation Statement that adequate consultation has been carried out during the preparation of the SNDP.

2.50 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording underlined.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that “*a policy should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area*”. I will consider this requirement as I examine each policy.
- 3.5 The SNDP is a well presented plan that includes policies on housing, the natural and built environments, leisure, recreation and tourism, travel and infrastructure. Relevant strategic planning policies are referenced in the introduction to each policy.
- 3.6 The rural parts of the parish lie within the Green Belt; the villages of Silkstone and Silkstone Common are inset from the Green Belt. The SNDP makes no provision for future housing development other than including matters to be considered in windfall housing development and controlling housing development in rear gardens. A policy on Rural Exceptions Housing was deleted from the submission draft Plan following the receipt of objections to the pre-submission draft Plan. The PPG states that “*Neighbourhood plans are not obliged to contain policies addressing all types of development.*”
- 3.7 I consider that the lack of policies allocating sites for housing in the SNDP accords with national and strategic guidance which does not require neighbourhood plans to include the topic.
- 3.8 The introductory sections of the Plan set out the background to the preparation of the plan, a spatial portrait of the area, and the key issues facing the parish that have arisen through the consultation. There are 6 Appendices which set out background information and Parish Council Actions to support the policies in the plan.

- 3.9 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes. The justifications to the policies are clear and set out the relevant background to the policies and the strategic context.
- 3.10 The Policies Maps 1A and 1B are included at the beginning of the Plan however, they show only those parts of the Plan area centred on the villages of Silkstone and Silkstone Common. It is recommended that there should be a Policies Map for the whole of the Plan area which shows the maps for the villages inset within the parish Policies Maps. Additionally, the maps should show all properties that are referred to in the policies. I have made recommendations under relevant policies to this effect to ensure that the policies can be applied consistently by decision makers.
- 3.11 The Silkstone Design Code has been prepared alongside the SNDP and published in July 2021 as part of the technical background documents. It provides an understanding of the character of the plan area to inform the design codes that will be applied to any future housing development. Many of the policies of the plan include extracts from the Design Code.

The Neighbourhood Plan

Vision and Objectives

- 3.12 The Plan includes a positive Vision statement with 9 objectives which are related to the policies in the Plan and the Parish Council actions set out in Appendix 5.

Policy H1 Criteria for New Housing Development in Silkstone Parish

- 3.13 The villages of Silkstone and Silkstone Common are identified as ‘villages’ in the settlement hierarchy of the BLP where some limited development may be acceptable. Both villages are inset from the Green Belt; there is an area of safeguarded land at Silkstone Common (site SL25). Settlement boundaries are not defined in the BLP for the two villages. Paragraph 5.10 of the BLP states that “*For villages the extent of the settlement will be a matter of interpretation on a case by case basis.*” To improve the clarity of the policy I am recommending that criterion 1 should be revised to refer to “areas inset from the Green Belt” instead of settlement boundaries.
- 3.14 Policy H4 of the BLP supports housing development on small sites that comply with other policies in the BLP. Policy H5 sets out criteria for considering housing on larger sites of more than 0.4ha. Paragraph 9.29 states that Policy H7 makes provision for limited rural exception sites to be delivered.
- 3.15 The first part of Policy H1 sets out the locations where new housing will be supported and is in accordance with the BLP, apart from the reference to settlement boundaries.

- 3.16 The second part of the policy relates to the housing mix that is desired on new developments. No threshold is set out and the policy will therefore be applicable to all developments. The evidence to support this is based on the 2011 Census data that shows that the parish has a higher proportion of detached homes and a lower proportion of socially rented homes than in the Borough as a whole. The Barnsley Housing Market Assessment demonstrates that there is a shortfall in affordable homes and the need for smaller 2 and 3 bedroomed homes in the Borough as a whole to meet future housing needs particularly for young families and older people wishing to downsize. Recent housing development in the parish have tended to be of larger scale family housing for private sale.
- 3.17 It is considered that this part of the policy accords with Policy H6 of the BLP which seeks to secure a mix of house types, size and tenure. The policy sets out the types of houses that will be favoured to help to provide a better balance in the housing mix of the parish.
- 3.18 The final part of the policy refers to the need for high quality design and for the developer to respond to the design policies of the SNDP.
- 3.19 It is considered that the term “criteria for” in the title to the policy is unnecessary.
- 3.20 A recommendation is made under Policy D1 to move point 2A to form a new paragraph in Policy H1 under point 2.
- 3.21 A recommendation is made under Policy T1 to move the first paragraph of that policy to Policy H1 under point 2.

Recommendation 1: Revise Policy H1 as follows:

Revise point 1 to read: “Are on sites within *the areas inset from the Green Belt* in the two villages of Silkstone and Silkstone Common;”

Delete “Criteria for” from the Title to Policy H1.

Policy H2 Residential Development in Rear Gardens

- 3.22 Policy H2 requires proposals for development in residential gardens to respond to local character and not impact adversely on openness and density. The Character Area Appraisals describe the character, nature and density of the various parts of the villages. The Design Code has been prepared alongside the SNDP and notes the importance of views outwards to the surrounding countryside and the need to ensure sufficient spacing between dwellings.
- 3.23 Policy H6 of the BLP supports lower densities where it is demonstrated that they are necessary to maintain the character and appearance of an area.
- 3.24 It is considered that the policy accords with strategic policies and sets out a relevant local design policy. No modifications are proposed.

Future Provision of Affordable Housing

- 3.25 The need for affordable housing was highlighted in responses to the parish survey. However, following objections to a proposed policy on rural exceptions housing, the policy has been deleted from the SNDP.
- 3.26 Fourteen representations have been submitted making reference to the Inspector's report of May 2018 on the Barnsley Local Plan that concluded that site EC11 at Silkstone Common should not be progressed as an allocation in the Local Plan for housing development. The representations are asking that reference to the observations in the report should be recorded in the SNDP.
- 3.27 In response to my question on the subject, the Parish Council has confirmed that the site referred to as EC11 was not progressed when the Submission draft SNDP was prepared. The site is in the Green Belt and has no greater or lesser status than any other Green Belt site and I consider that there is no need to refer to it in the SNDP. However, given the comments made by residents in the Regulation 16 consultation and the need to secure final approval of the NDP at referendum stage, the Parish Council wishes to ensure that the SNDP reflects its position on this matter.
- 3.28 The Parish Council has responded to my questions to state that it does not oppose in principle the residential development of appropriate sites in its area. The Parish Council has stated that there is no intention to progress a scheme for affordable housing at the current time. In view of the local sensitivities about Site EC11 the Parish Council has requested that the section of the Plan on the Future Provision of Affordable Housing (paragraphs 5.1.22 – 5.1.27 inclusive) should be deleted from the SNDP. The Parish Council has requested that the following sentence should be added to the end of paragraph 5.1.13:
- "In addition, the Parish Council would wish to make clear that there is no proposal nor intention in the NDP for the Green Belt site near Throstle Nest Equestrian Centre (known in the draft Barnsley Local Plan as site EC11) to be developed."*
- 3.29 In view of the local sensitivities on the subject I have made a recommendation to delete the section on the Future Provision of Affordable Housing and to make the revision to paragraph 5.1.13 requested.
- 3.30 If the need for affordable housing to meet the needs of the local communities is demonstrated in the future, there is scope to progress appropriate proposals through Policy H1 and in accordance with BLP policies.

Recommendation 2: Delete the section titled "Future Provision of Affordable Housing" and paragraphs 5.1.22 to 5.1.27.

Add the following at the end of paragraph 5.1.13:

"In addition, the Parish Council would wish to make clear that there is no proposal nor intention in the SNDP for the Green Belt site near Throstle Nest

Equestrian Centre (known in the draft Barnsley Local Plan as site EC11) to be developed.”

Natural and Built Environments

3.31 A Design Code has been prepared alongside the SNDP and forms part of the technical background evidence. It includes an analysis of the character of various areas in the two villages and the landscape setting. Many of the following policies take forward the principles from the Design Code as policies.

Policy NE1 Protecting and Enhancing Local Landscape Character

3.32 This policy sets out the approach to the design of landscaping schemes; maintaining the Green Corridor between the two villages and the importance of not obscuring Key Views.

3.33 It is noted that the Green Corridor is shown indicatively in the Design Code; however, it is not shown on the Policies Map as the boundary of the corridor has not been defined. The whole of the countryside between the two villages is Green Belt where development would only be acceptable in very special circumstances. From my site visit, it is evident that the villages are some distance apart and form distinct and separate settlements.

3.34 To improve the clarity of the policy, it is recommended that the diagram from Code 2 showing the indicative Green Corridor should be included within the text of the SNDP and a reference to it added to paragraph 5.2.11.

3.35 The elevated locations of the villages means that there are many locations with attractive views over the surrounding countryside. There are also views of the landmarks of Silkstone Church and the railway bridge from within the settlements. I have concerns, however, that some of the viewpoints selected are not publicly accessible (eg viewpoint 1). I am recommending that the vantage points for the viewpoints should be reviewed to ensure that they are all publicly accessible.

3.36 The Key Views shown on the Policies Maps have been taken from page 20 of the Design Code. All the views shown Map 3 are included on the Policies Map. It is not therefore necessary to refer to the extract from the Design Code in the policy.

Recommendation 3: Revise Policy NE1 as follows:

Delete “and Map 3” from point 3A.

Review the viewpoints to ensure that they are all publicly accessible and revise where necessary.

Include the map from page 42 of the Design Code 2 within the text to show the indicative Green Corridor.

Add the following at the end of the second sentence in paragraph 5.2.11, after “green corridor”: “Map XX, from Design Code 2, shows the indicative location of the Green Corridor.”

Policy NE2 Wildlife

- 3.37 The justification to the policy includes detailed descriptions of the various areas in the parish that are locally important for wildlife.
- 3.38 NPPF paragraph 174 and BLP Policy BIO1 sets out the strategic framework for conserving and enhancing biodiversity and the natural environment. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date in November 2023.
- 3.39 The third paragraph of the policy which includes points 1 – 3 and the second sentence of the fourth paragraph of the policy set out examples of how biodiversity net gain could be achieved and measures to incorporate wildlife into buildings. As such they explain how the policy could be interpreted and applied; they do not constitute policy. It is recommended that they should be placed in the justification to the policy.
- 3.40 A recommendation is made under Policy D1 move point 2B of Policy NE2 to the beginning of the final paragraph of Policy NE2.

Recommendation 4: Revise Policy NE2 as follows:

Move the following text from the policy to the justification:

Paragraph 3 (A biodiversity net gain....by:) and point 1 A-D, point 2 A-C, point 3 and the second sentence of the fourth paragraph (Such measures could include....)

Delete “also” from the first sentence of the fourth paragraph of the policy.

Correct the typographical error in the first line of paragraph 5.2.50 “could”.

Policy LGS1 Local Green Spaces

- 3.41 The NPPF paragraph 101 enables the designation of Local Green Spaces through neighbourhood plans to allow communities to identify and protect green spaces of particular importance to them. Paragraph 102 sets out criteria to be used to assess the suitability of proposed sites.
- 3.42 Policy LGS proposes the designation of 11 areas as Local Green Spaces. Appendix 2 of the SNDP includes an assessment of the sites against the NPPF criteria. Apart from sites 1 and 2, all the sites are shown on the Policies Map for the BLP as green

spaces. BLP Policy GS1 is a comprehensive policy to safeguard and enhance green spaces. Site 2A lies within the Green Belt.

- 3.43 The NPPG gives guidance on sites that are already protected by Green Belt policy, and states that consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. It advises that *“One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.”*
- 3.44 In response to my question on what additional benefits would be gained by designating the sites as Local Green Spaces, both the LPA and PC have agreed that the designation would add a greater degree of protection as the Local Plan policies allow for development or the loss of a green space where certain criteria apply.
- 3.45 I visited all the sites on my site visit. It is evident that all the sites satisfy the NPPF criteria and the assessments have demonstrated that all the sites are of particular importance to the local community.
- 3.46 NPPF paragraph 103 states that policies for managing development in a Local Green Space should be consistent with those for Green Belts. NPPF paragraph 147 sets out the principle that *“inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”*.
- 3.47 BLP includes Policies GB1 on the protection of the Green Belt. Policy GB2 sets out the types of development that may be acceptable in accordance with national planning policy.
- 3.48 The final paragraph of Policy LGS1 refers to inappropriate development being “ruled out”. BC has commented that the SNDP does not define “inappropriate development” and has suggested revised wording for this paragraph which I am recommending as a modification to improve the clarity of the policy.
- 3.49 Paragraph 5.2.56 includes an extract from the Parish Design Statement of 2006 stating the views of residents as to why their areas are special. The reasons why sites are considered special is set out in the LGS Assessment. It is not considered necessary to include these comments in the justification to the policy. Paragraph 5.2.57 refers to maps on pages 10 and 11 of the Design Statement. These maps lack a key and include additional areas of land outside the villages that are not proposed for designation under Policy LGS1. To improve the clarity of the interpretation of the policy, it is recommended that these paragraphs are deleted.
- 3.50 A representation states that there is no reference to Noblethorpe Woods. The PC has confirmed that this site is to be designated as a LGS as site 6.

Recommendation 5: Revise Policy LGS1 as follows:

Revise the final paragraph of the policy to read: *“Development will not be permitted within a Local Green Space unless there are very special*

circumstances which outweigh the harm to the Local Green Space including the loss of the particular local significance that justified the designation.”

Delete paragraphs 5.2.56 - 5.2.57.

Policy BH1 Conserving and Enhancing Heritage Assets on the Local List

- 3.51 The policy proposes a list of 21 buildings and properties to be put forward by the PC for designation by Barnsley Council as non-designated heritage assets. The properties have been assessed using the guidance from Historic England and advice from BC. The PC has stated that they will aim to add photographs of the candidate assets in their assessments on their website.
- 3.52 BLP Policy HE1 is a comprehensive heritage policy and includes clause e) on non-designated heritage assets.
- 3.53 The locations of the candidate properties are shown on a Map in Appendix 3 with asterisks. I consider that it is not possible to identify the properties from these maps because of the scale. In response to my question on whether the curtilages of the properties should be shown on the Policies Map, the PC has responded to say that these properties are identified as candidate local heritage assets and it will be for BC to review them and determine whether or not any buildings and associated structures as adopted as Non Designated Heritage Assets. In the meantime the policy will be used to highlight the potential significance of the properties to plan users. To improve the clarity of the policy I am recommending the locations of the properties should be identified on a clear OS map base within the assessment and on the Policies Map.
- 3.54 A recommendation is made under Policy D2 to include a cross reference to that policy in the justification to Policy BH1.

Recommendation 6: Show the location of the properties proposed as candidate non-designated heritage assets on a clear OS map so that they can be identified and on the Policies Map.

Policy D1 Sustainable Design

- 3.55 Policy D1 makes reference to the Silkstone Design Code 1 on Sustainability and Climate Change. Development schemes are encouraged to include examples from the sustainability principles listed. These have been extracted from the Design Code.
- 3.56 The NPPF promotes the preparation of Design Codes to reflect local character and design preferences. The National Model Design Code includes advice on the type of standards relating to sustainability that can be included in Design Codes with the objective of ensuring that the environmental performance of place and buildings contributes to net zero targets.

- 3.57 The sustainability principles set out under point 1 in the policy are detailed design considerations that give examples of how buildings may be designed to address energy and resource efficiency. It is considered that they are too prescriptive to be set out as planning policy. It is recommended that they are included in the justification to aid the interpretation of the policy.
- 3.58 Point 2A relates to the location of new residential areas. As possible future windfall locations are set out in Policy H1, it is recommended that this point should be included in Policy H1. I have recommended that the first paragraph of Policy T1 should also be moved to Policy H1. The reference to Policy T1 should therefore be deleted.
- 3.59 Point 2B encourages opportunities to be taken to link open spaces to create wildlife corridors. It is recommended that it should be positioned in Policy NE2.

Recommendation 7: Revise Policy D1 as follows:

Move the third paragraph of the policy and points 1 A to G to the justification to Policy D1 in paragraph 5.3.25.

Move point 2A to form a new paragraph in Policy H1 under point 2. Delete “(see Policy T1)”

Move point 2B to the beginning of the final paragraph of Policy NE2.

Policy D2 Promoting High Quality Design and Responding to Local Character

- 3.60 This policy states that development should be sympathetic to the distinctive character of the relevant Character Area. Five design principles are included in section one relating to building design, parking, garden size and privacy. Three principles are included in section 2 relating to the conversion of historic buildings.
- 3.61 To improve the clarity of the policy modifications are recommended to the first paragraph and to point 1C. It is considered that point 1D is overly prescriptive for a planning policy. In any case the Design Code sets different standards for 2 and 3 bedroomed homes. A modification is recommended.
- 3.62 Section 2 of the policy sets out design and landscaping principle for the conversion of historic buildings. It is recommended that a cross reference to this policy should be included in the justification to Policy BH1.

Recommendation 8: Revise Policy D2 as follows:

Revise the first paragraph to read: “....relevant Character Area as defined in Appendix 4.”

Revise the second sentence of Point 1C to read: “Parking should be provided on-plot wherever possible. On-street parking as the only means of parking should be avoided in future developments. Electric vehicle....”

Revise point 1D to read: “*Private amenity space should be provided relevant to the size of the dwelling in accordance with the SPD Design of Housing Development.*”

Add the following to the justification to Policy BH1: “*Policy D2 and the Silkstone Design Code 3 set out principles for the design and landscaping of proposals that involve the conversion of historic buildings.*”

Policy R1 Supporting Suitable Improvements to Local Recreation and Community Facilities

- 3.63 The policy supports the improvement of sports, recreation and community facilities, in particular at Silkstone Common Recreation Ground. A list of possible improvements is included in the policy. As these are examples and not firm proposals, they should not be included in the policy itself, but should be placed in the justification to the policy.
- 3.64 The penultimate paragraph of the policy relates to landscaping schemes. It is considered to be unnecessary in this policy in view of the more detailed Policy NE1.
- 3.65 The final paragraph on Green Belt policy replicates national and strategic policy and is not considered strictly necessary. However, in response to my question on the need for this part of the policy, BC has stated that they are content for the policy to include a reference to national and local Green Belt policy to raise awareness.

Recommendation 9: Revise Policy R1 as follows:

Retain the first sentence of the second paragraph of the policy. Place the examples from the second paragraph of the policy to the justification to the policy: “*Enhancements for improving at Silkstone Common Recreation Ground could include: the 4 bullet points.*”

Policy RD1 Supporting Rural Diversification and Tourism

- 3.66 The policy supports “appropriate” rural diversification within the built up area of the two villages. The policy includes a list of examples of possible proposals.
- 3.67 It is considered that the policy is imprecise and does not accord with BLP Policy E6 which sets out factors to be considered in supporting the development of a viable rural economy. It does not restrict proposals to the built up area of villages. It sets out matters to be considered in determining whether a proposal would be appropriate.

- 3.68 To address this, a modification is recommended to delete reference to the restriction “within the built up areas of the two villages” and to cross refer to BLP Policy E6.
- 3.69 The examples are not policy proposals and should be included in the justification. Reference to Airbnb should be deleted as this is a named letting company.
- 3.70 BC has commented that “larger dwellings” in bullet point 3 should be defined as 4 or more bedrooms to be consistent with their guidance. I have included a modification to this effect.
- 3.71 The final paragraph on Green Belt policy replicates national and strategic policy and is not strictly necessary. However, in response to my question on the need for this part of the policy, BC has stated that they are content for the policy to include a reference to national and local Green Belt policy to raise awareness. I am recommending a modification that the policy statement should be phrased in the same way as that in Policy R1 for consistency.

Recommendation 10: Revise Policy RD1 as follows:

Revise the first paragraph of the policy to read: “Development proposals which promote appropriate rural diversification and provide local employment opportunities will be supported *in accordance with Barnsley Local Plan Policy E6.*”

Place the examples in the justification to the policy: “*Rural diversification proposals that support tourism could include: 4 bullet points*”. Delete “for example through Airbnb”. Add “*of 4 or more bedrooms*” after “existing larger dwellings” in the third bullet point.

Revise the final paragraph of the policy to be the same as that in Policy R1: “*Development in the Green Belt should be consistent with national and local Green Belt policy.*”

Policy T1 Improving Access and Sustainable Travel

- 3.72 The policy sets out principles from the Design Code that contribute to improving accessibility. The first point relates to the location of new housing development and promotes sites that are accessible to local facilities and amenities. It may be more appropriately positioned in Policy H1, to be consistent with my recommendation on Policy D1(2A).
- 3.73 The second point seeks a landscape buffer zone where developments are close to PRow to screen the development. A modification is recommended to clarify the wording of the policy.
- 3.74 The third point seeks improvements to the car and cycle parking at the station. A modification is recommended to clarify the wording of the policy.

Recommendation 11: Revise Policy T1 as follows:

Move the first paragraph to Policy H1 after the paragraph from Policy D1(2A).

**Revise the second paragraph to read: “.....public footpaths and *the* multi-use
bridleway and cycleways of the Waggonway and the Trans Pennine Trail (TPT)
.....screening.”**

**Revise the third paragraph to read: “....parking provision at *Silkstone Common
Station....*”**

Appendix 5 - Parish Council Actions to Support NDP Policies and Proposals

3.75 Appendix 5 sets out 14 actions that the Parish Council are proposing to undertake to support the policies of the SNDP. The section is clearly distinguished from the planning policies of the SNDP.

Other Representations

3.76 A representation from the Trans Pennine Trail Office has proposed minor changes to the wording of the SEA Screening Assessment and the Design Code. The LPA and PC may consider whether those relating to the Design Code should be included.

4.0 Referendum

- 4.1 The Silkstone Neighbourhood Development Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Barnsley Council that the Silkstone Neighbourhood Development Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Barnsley Council on 3 May 2017.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents:

- Silkstone Neighbourhood Development Plan 2022 to 2033 Submission Draft
- Silkstone Neighbourhood Development Plan Basic Conditions Statement July 2022
- Silkstone Neighbourhood Development Plan Consultation Statement July 2022
- Silkstone Neighbourhood Development Plan Screening Reports for SEA and HRA July 2022
- Silkstone Neighbourhood Plan Design Code July 2021
- National Planning Policy Framework July 2021
- Planning Practice Guidance (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Historic Environment Advice Note 7: Local Heritage Listing, (most recent edition 2021).
- National Model Design Code, Ministry of Housing, Communities and Local Government, 2021
- Guidance Notes for Design Codes, Ministry of Housing, Communities and Local Government, 2021
- Barnsley Local Plan to 2033 adopted 2019
- Barnsley Council SPD Design of Housing Development 2019

6.0 Summary of Recommendations

Recommendation 1: Revise Policy H1 as follows:

Revise point 1 to read: “Are on sites within *the areas inset from the Green Belt* in the two villages of Silkstone and Silkstone Common;”

Delete “Criteria for” from the Title to Policy H1.

Recommendation 2: Delete the section titled “Future Provision of Affordable Housing” and paragraphs 5.1.22 to 5.1.27.

Add the following at the end of paragraph 5.1.13:

“In addition, the Parish Council would wish to make clear that there is no proposal nor intention in the SNDP for the Green Belt site near Throstle Nest Equestrian Centre (known in the draft Barnsley Local Plan as site EC11) to be developed.”

Recommendation 3: Revise Policy NE1 as follows:

Delete “and Map 3” from point 3A.

Review the viewpoints to ensure that they are all publicly accessible and revise where necessary.

Include the map from page 42 of the Design Code 2 within the text to show the indicative Green Corridor.

Add the following at the end of the second sentence in paragraph 5.2.11, after “green corridor”: “Map XX, from Design Code 2, shows the indicative location of the Green Corridor.”

Recommendation 4: Revise Policy NE2 as follows:

Move the following text from the policy to the justification:

Paragraph 3 (A biodiversity net gain....by:) and point 1 A-D, point 2 A-C, point 3 and the second sentence of the fourth paragraph (Such measures could include....)

Delete “also” from the first sentence of the fourth paragraph of the policy.

Correct the typographical error in the first line of paragraph 5.2.50 “could”.

Recommendation 5: Revise Policy LGS1 as follows:

Revise the final paragraph of the policy to read: “*Development will not be permitted within a Local Green Space unless there are very special circumstances which outweigh the harm to the Local Green Space including the loss of the particular local significance that justified the designation.*”

Delete paragraphs 5.2.56 - 5.2.57.

Recommendation 6: Show the location of the properties proposed as candidate non-designated heritage assets on a clear OS map so that they can be identified and on the Policies Map.

Recommendation 7: Revise Policy D1 as follows:

Move the third paragraph of the policy and points 1 A to G to the justification to Policy D1 in paragraph 5.3.25.

Move point 2A to form a new paragraph in Policy H1 under point 2. Delete “(see Policy T1)”

Move point 2B to the beginning of the final paragraph of Policy NE2.

Recommendation 8: Revise Policy D2 as follows:

Revise the first paragraph to read: “....relevant Character Area as defined in Appendix 4.”

Revise the second sentence of Point 1C to read: “Parking should be provided on-plot wherever possible. On-street parking as the only means of parking should be avoided in future developments. Electric vehicle....”

Revise point 1D to read: “*Private amenity space should be provided relevant to the size of the dwelling in accordance with the SPD Design of Housing Development.*”

Add the following to the justification to Policy BH1: “*Policy D2 and the Silkstone Design Code 3 set out principles for the design and landscaping of proposals that involve the conversion of historic buildings.*”

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Revise the first paragraph of the policy to read: “Development proposals which promote appropriate rural diversification and provide local employment opportunities will be supported *in accordance with Barnsley Local Plan Policy E6.*”

Place the examples in the justification to the policy: “*Rural diversification proposals that support tourism could include: 4 bullet points*”. Delete “for example through Airbnb”. Add “*of 4 or more bedrooms*” after “existing larger dwellings” in the third bullet point.

**Revise the final paragraph of the policy to be the same as that in Policy R1:
“*Development in the Green Belt should be consistent with national and local
Green Belt policy.*”**

Recommendation 11: Revise Policy T1 as follows:

Move the first paragraph to Policy H1 after the paragraph from Policy D1(2A).

**Revise the second paragraph to read: “.....public footpaths and *the* multi-use
bridleway and cycleways of the Waggonway and the Trans Pennine Trail (TPT)
.....screening.”**

**Revise the third paragraph to read: “....parking provision at *Silkstone Common
Station....*”**