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# Representations to the Draft Cawthorne Neighbourhood Development Plan

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Land North of Darton Road, Cawthorne



## Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Compliance with National Policy and Guidance</b>	<b>5</b>
<b>3</b>	<b>Response to Draft Policies</b>	<b>7</b>
<b>4</b>	<b>Summary</b>	<b>12</b>

## 1 Introduction

- 1.1 These representations are prepared by Savills (UK) Ltd on behalf of The Cannon Hall Estate (“our Client”) in response to the Cawthorne Parish Neighbourhood Development Plan 2019-2033 First Draft for Consultation (“DCNDP”), following an invitation to do so by the Steering Committee on behalf of Cawthorne Parish Council.
- 1.2 We have previously provided comments on behalf of our Client to the Parish Council when they were consulting on Identified Local Green Spaces and Local Heritage Assets prior to the preparation of the DCNDP. These comments focussed upon a number of our Client’s smaller land holdings within the village which are listed at paragraph 1.8 below.
- 1.3 As set out in Government Guidance (National Planning Policy Guidance (NPPG)) regarding Neighbourhood Plans, paragraph 015 states quite clearly that *‘the parish council ...should work with other members of the community who are interested in, or affected by, the neighbourhood plan...’*, .and furthermore at paragraph 048 that *‘landowners should be involved in preparing a draft neighbourhood plan’*.
- 1.4 We continue to commend the Steering Committee on their initiative in preparing the Neighbourhood Plan and also welcome the opportunity to provide further comments. We have set out in these representations further additional comments, in addition those previously provided in our letter dated 28<sup>th</sup> March 2019, that relate to some of the draft policies contained within the DCNDP and which we consider could impact upon our Client’s land holdings in the village.

### **The Estate and Land Ownership**

- 1.5 The Cannon Hall Estate is a privately owned Estate situated to the west of Barnsley, with a large landholding surrounding (as well as located throughout) the village of Cawthorne.
- 1.6 Cawthorne is a Village located within the jurisdiction of Barnsley Metropolitan Borough Council. As such, the emerging Neighbourhood Plan will need to conform with the recently adopted Barnsley Local Plan and associated Policies Map.
- 1.7 One of our Client’s key land holdings relates to a strategic development site to the North of Darton Road which is identified within the Barnsley Local Plan as “Safeguarded Land” and extends to 3.8ha under Policy GB6 (“Darton Road Site”). Policy GB6 states:

*“We will only grant planning permission on sites allocated as safeguarded land for development that is needed for the operation of existing uses, or alternative uses where the development will protect the open nature of the land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development”.*

# Draft Cawthorne NDP Representations

Land North of Darton Road, Cawthorne

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1.8 Our Client also owns a number of other smaller sites within the village, including:

- The allotments off Church Walk;
- The allotments off Taylor Hill;
- The allotments off Darton Road;
- Area of woodland at the junction of Lane Head Road and Tivydale;
- Clay Hall;
- Maltkiln Row; and
- The Institute, now a dwelling, No6/8 Darton Road.

1.9 These representations are presented as follows:

- Section 2: Provides a response in relation to how the DCNDP complies with national policy and guidance;
- Section 3: Provides a response to the relevant draft policies of the DCNDP; and
- Section 4: Summarises the representations.

## 2 Compliance with National Policy and Guidance

### National Planning Policy Framework (“NPPF”) and Planning Practice Guidance (“PPG”)

- 2.1 The NPPF, at paragraph 13, requires that *“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”*
- 2.2 Furthermore, paragraph 29 of the NPPF states that *“Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”*
- 2.3 Therefore, Neighbourhood Plans must be in general conformity with strategic policies contained within the Local Plan and they cannot seek to reduce the amount of development proposed within the Local Plan. Furthermore, Neighbourhood Plans should seek to create policies that supplement those set out at the strategic level (local or national policies) and only seek to shape development that sits outside of those strategic policies.

### The Basic Conditions Test

- 2.4 The PPG confirms that only a draft neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and made as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act (1990). These tests are:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
  - b) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
  - c) The making of the order (or 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).
  - d) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
  - e) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

- 2.5 As highlighted above, there are five relevant condition tests to preparing a Neighbourhood Plan. The PPG also sets out that a draft Neighbourhood Plan should be accompanied by a 'basic conditions statement' setting out how the plan meets the relevant conditions when it is submitted to the Local Planning Authority. Whilst the DCNDP is not proposed to be submitted to the Local Planning Authority until the current consultation has taken place, it is unclear why a basic conditions statement has not been prepared at this stage. Given that such a statement goes to the heart of the neighbourhood planning process and the soundness of the plan-making process, we would encourage the Steering Committee to make this documentation available at the earliest opportunity to provide clarity and demonstrate transparency on whether the plan does indeed meet the required basic conditions test.

## 3 Response to Draft Policies

### Vision

- 3.1. Our Client is committed to ensuring the Neighbourhood Plan is prepared on a sound basis and in particular ensuring that the policies are reflective of those set at the local and national level and to avoid the possible restriction of identified development sites.
- 3.2. Our Client is supportive of the vision statement for the parish which seeks to develop modern infrastructure and yet retain the rural character of the village. Our Client also supports the Council's vision to encourage sustainable development but whilst protecting and enhancing the built environment, rural heritage, green spaces and wildlife. However, our Client considers that this vision must be flexible in order to allow for future development and modern infrastructure to be delivered.

### Objectives

- 3.3. Our Client is broadly supportive of the six objectives and considers that they will help to deliver the vision. Our Client's land holdings within the village and wider parish will also play an important role in meeting each of these objectives.
- 3.4. In relation to Objective 6 'Infrastructure Improvements' our Client acknowledges that the text at paragraph 5.4.10 makes reference to the potential for developer contributions to be used to improve transport infrastructure. Whilst it is acknowledged that the distribution of developer contributions is a matter to be determined by the Local Planning Authority, it should be noted that the potential development of our Client's land at Darton Road, which is safeguarded for future development, could play an important role in providing financial contributions towards improving transport infrastructure.

### Draft Policy C1: Protecting Local Landscape Character

- 3.5. This policy seeks to ensure that new development responds positively to the local landscape character as set out in the borough's Landscape Character Assessment. The policy also requires developers of schemes larger than 10 houses or 1 hectare to produce an evidence-based mitigation plan covering a number of topics whilst also retaining existing distinctive and important features of local landscape character interests whilst also assessing their visual and environmental impacts on Cannon Hall Registered Park and Garden and its setting. Our Client supports these requirements and in particular the need to consider impacts upon Cannon Hall and to protect the local landscape character.

3.6. However, when proposals for new development come forward in the form of a planning application, this assessment work would be undertaken as a matter of course and in accordance with the national and local validation checklists, which cover topics such as ecology, trees, flood risk and drainage, landscape, transport, ground conditions and sustainability, amongst others (the Local Planning Authority are in the process of updating the Local Validation Checklist). Furthermore, the protection of existing landscape character and features is also set out within a number of policies in the adopted Local Plan, including:

- Policy GD1 (General Development) – *“proposals for development will be approved if...they include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape”*;
- Policy GD1 (General Development) – *“appropriate landscape boundaries are provided where sites are adjacent to open countryside”*;
- Policy E6 (Rural Economy) – *“development in rural areas will be expected to...not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character”*;
- Policy D1 (High Quality Design and Place Making) – *“Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including...landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features...views and vistas to key buildings, landmarks, skylines and gateways” and “through its layout and design should...complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas”*;
- Policy LC1 (Landscape Character) – *“Development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located”*; and
- Policy HE1 (The Historic Environment) – *“We will positively encourage development which will help in the management, conservation, understanding and enjoyment of Barnsley’s historic environment, especially for those assets at risk...this will be achieved by...supporting proposals which conserve and enhance the significance and setting of the borough’s heritage assets, paying particular attention to those elements which contribute most to the borough’s distinctive character and sense of place...these elements and assets include...a number of important 18<sup>th</sup> and 19<sup>th</sup> century designed landscapes and parks including...Cannon Hall Park.”*

3.7. The Local Planning Authority have also committed to preparing a Landscape Character Supplementary Planning Document which will provide more detailed guidance on how to assess the impact of development on the landscape and will be used in the determination of planning applications.



- 3.8. The draft policy also goes on to identify a number of Locally Important Views (9 in total) which development proposals should respect and where proposals will impact on these views, then an LVIA or similar study should be undertaken. View number 2 “looking south east from Margery Wood towards village” is shown to cross our Client’s site at Darton Road and is described as being a view from a public footpath(s) or seat(s) which is valued by local residents and visitors alike. View number 3 “looking north west across allotments towards Margery Woods” also lies adjacent to the Darton Road site to the east. However, the DCNDP does not appear to provide any evidence or demonstrate where these opinions have come from, how these views were identified or specifically where they were taken from. The NPPF at paragraph 31 states that *“the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.”* Our Client considers that these Locally Important Views, and particularly views 2 and 3, cannot be proposed or included within the plan without some relevant and up-to-date evidence to inform and justify them.
- 3.9. Our Client considers that there is sufficient policy protection in place through the adopted Local Plan to achieve the aims of draft policy C1, whilst there is also insufficient evidence to justify the inclusion of the proposed locally Important Views which could in turn impact upon the future delivery of our Client’s safeguarded land at Darton Road. Therefore, the first part of this policy should be removed whilst the parts relating to the locally important views can only be retained if evidence is provided to justify their inclusion.

### **Draft Policy C5: Protecting and Enhancing Recreational Facilities**

- 3.10. Our Client supports the Neighbourhood Plans proposals to protect and enhance the seven recreational facilities identified in and around the village. One of the identified recreational facilities includes the allotments behind Horncroft (4a), which lies adjacent to the Darton Road site. Whilst our Client does not object to these allotments being identified as an important recreation facility in principle, the Neighbourhood Plan must comply with policies set out in the adopted Local Plan. As such, these allotments are already identified under policy GS1 ‘Green Space’ of the Local Plan. Policy GS1 states:

*“Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks. Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless:*

- *An assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or*
- *The proposal is for small scale facilities needed to support or improve the proper function of the green space; or*
- *An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss”.*

3.11. As our Client owns both the Darton Road site and the allotments themselves, further consideration will need to be given to accessing the Darton Road site when the Local Plan is reviewed and the site is identified for development. Therefore, to protect the Darton Road site (and the longer term need for such land), delivery of the site should be specifically referenced and acknowledged within the Neighbourhood Plan to make sure that the policies do not conflict with the adopted Local Plan (as required through the NPPF and PPG).

3.12. It is therefore proposed that, as the allotments are already designated in the Local Plan, and protected by Policy GS1, the Neighbourhood Plan should not seek to add a further layer of policy designation to the allotment site in order to avoid conflicting with the adopted Local Plan and adding additional unnecessary policy burden.

### **Draft Policy C6: Local Green Spaces**

3.13. We have previously provided comments on the Local Green Space in our letter dated 28<sup>th</sup> March 2019. These comments remain valid in the context of draft policy C6.

### **Draft Policy C7: Heritage and Design**

3.14. We have previously provided comments on Heritage and Design in our letter dated 28<sup>th</sup> March 2019. These comments remain valid in the context of draft policy C7.

### **Draft Policy C8: General Principles for New Development in Cawthorne Parish**

3.15. Our Client broadly supports this policy and the desire to ensure that new development comes forward at a high standard which reflects the characteristics of the area. However, the policy and its intentions are unclear as the policies title would infer that this relates to all forms of new development (residential, commercial, industrial, leisure etc), yet it appears to then focus upon new housing development within the settlement boundary and outside the conservation area. The four criteria then appear to be applicable to all forms of development, with the exception of criteria 4 which references the provision of suitable garden space.

3.16. It is our view that this policy should be reworded to focus upon all forms of new development, with references to new build residential development removed and/or moved to policy C9 which focusses specifically on new housing development, as it would be logical to group these requirements together under a single policy that focusses upon new build residential development.

3.17. Irrespective of the above amendments, how new development responds positively to the characteristics of the surrounding area is also set out within the adopted Local Plan and Policy D1 'High Quality Design and Place Making', as set out below:

- “Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including...heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality” and “through its layout and design development should:... Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment; Complement and enhance the character and setting of distinctive places, including ... rural villages and Conservation Areas; Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details; Make the best use of high quality materials; and Include a comprehensive and high quality scheme for hard and soft landscaping.”

3.18. Our Client considers that there is sufficient policy protection in place through the adopted Local Plan to achieve the aims of draft policy C8. Therefore, this policy is not in accordance with paragraph 13 of the NPPF and therefore does not meet the basic conditions test and should be removed.

#### **Draft Policy C9: Criteria for New Housing Development**

3.19. Our Client again supports the intentions of this policy and the desire to see high quality residential schemes brought forward in the village which meet the six requirements identified. However again, as with policy C8, much of these requirements are already set out within policies in the adopted Local Plan and so it is our view that it is unnecessary to set them out within the Neighbourhood Plan. This policy should therefore be removed as it does not accord with paragraph 13 of the NPPF and therefore does not meet the basic conditions test.

## 4 Summary

- 4.1 These representations have been prepared on behalf of The Cannon Hall Estate and set out their comments on the Draft Cawthorne Neighbourhood Development Plan. They raise some concerns and objections in relation to a number of the draft policies which our Client believes must be addressed in order for the plan to pass the basic conditions test and to be found sound.
- 4.2 In the first instance the DCNDP does not include a 'basic conditions statement' as required by the PPG and we would encourage the Steering Committee to make this statement available at the earliest opportunity to provide clarity and demonstrate transparency on whether the plan does indeed meet the required basic conditions test.
- 4.3 Secondly, a number of the draft policies seek only to replicate policies within the adopted Local Plan and the NPPF, meaning that sufficient policy protection is already in place. Our Client considers that the policies identified in these representations (C1, C5, C6, C7, C8 and C9) are not in accordance with paragraph 13 of the NPPF and therefore should be removed or significantly altered.
- 4.4 Finally, we consider that the policies should seek to avoid potentially restricting future development sites within the village that have been identified within the adopted Local Plan, such as the safeguarded land at Darton Road, which is owned by our Client. In accordance with paragraph 29 of the NPPF, Neighbourhood Plans should not promote less development than set out in the strategic policies of the area i.e. within the adopted Local Plan and so any attempt to potentially restrict the development potential of the safeguarded land at Darton Road would be in direct conflict with the NPPF and not pass the basic conditions test.
- 4.5 We trust that these representations, alongside those provided in March, will be of assistance in the plan-making process and can be incorporated into subsequent drafts of the Neighbourhood Plan.