

Barton Neighbourhood Development Plan 2019-30

Submission Plan

Report to Preston City Council and Wyre Borough Council of the examination into the Barton Neighbourhood Development Plan

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Summary and overall recommendation

Following my examination of the Barton Neighbourhood Plan (BNP), including a site visit to the neighbourhood area on 21 March 2022, it is my view that, subject to modifications, the BNP reflects the views of the community and will set out a clear vision and suite of policies for the neighbourhood area.

My report highlights a number of areas where I consider the wording of the Plan as submitted is not in accordance with one or more of the Basic Conditions.

A Regulation 16 representation expressed concern over Policies BNDP05 (Housing) and BNDP06 (Areas of Separation) which I have carefully considered. Whilst I do not agree the policies should be deleted, for the reasons set out in the report below, I have recommended extensive modifications to these two policies and their supporting texts.

I have also recommended other modifications that should be made to a number of policies before the Plan can proceed to referendum. For the most part, the reason for these is that the policies do not wholly meet the requirement of the National Planning Policy Framework at paragraph 16 where it states that policies should be: *“clearly written and unambiguous so it is evident how a decision maker should react to development proposals”*. The advice in the Planning Practice Guidance is also relevant to this where it states that: *“A policy in a neighbourhood plan 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”*.

In addition there are quite a large number of typographical and formatting errors which need to be corrected.

All these modifications are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

In proposing the modifications, I have tried to ensure that the integrity and value of the BNP and its vision is retained and that the intention of neighbourhood planning, where the community’s wishes should be central to the Plan, is honoured.

By its nature, the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the Plan. Rather, the purpose of the examination is to ensure that the Neighbourhood Plan meets the Basic Conditions and is as robust as possible and that it can better play its part in planning decisions and managing change in Barton and the surrounding area in the future in an effective way.

In addition to the recommended modifications, it should also be noted that there may be a number of consequential changes, for example to referencing and numbering that will inevitably be needed as a result of making the modifications. Also the policy referencing will need to be checked as the emerging Wyre Local Plan progresses.

I have identified a number of these consequential changes, but not necessarily highlighted all

of them and these amendments need to be made in finalising the Plan for referendum.

Subject to the recommended modifications in the report being completed, I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

The BNP also complies with the legal requirements set out in paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

With the modifications in place, the BNP will meet the Basic Conditions and can proceed to a referendum.

When that referendum takes place, I also recommend that the Barton Neighbourhood Area, which covers the administrative area of Barton Parish and part of Myerscough and Bilsborrow Parish, is taken as the area for the referendum.

Peter Biggers BSc Hons MRTPI

Independent Examiner

7 June 2023

1. Introduction

Background context

- 1.1. This report provides the findings of the examination into the Barton Neighbourhood Plan (referred to as the BNP throughout this report).
- 1.2. The BNP was produced by Barton Parish Council (BPC) in association with Myerscough and Bilsborrow Parish Council who have delegated their right to prepare a neighbourhood plan to Barton Parish Council and its Steering Group in consultation with the local planning authorities for the neighbourhood area – Preston City Council (PCC) and Wyre Borough Council (WBC). The local community, interested parties and local stakeholders were also consulted as set out in Section 3 below.
- 1.3. The Neighbourhood Area is just over 5 miles north of Preston and comprises the village of Barton and the hamlet of Newsham to its south west with an extensive area of open countryside extending east across the M6 motorway.
- 1.4. Barton has developed along the A6 and is also partly constrained by the alignment of the West Coast Mainline. Consequently, the original part of the village has a very linear form although newer development has occurred in depth particularly to the east of the A6.
- 1.5. Because of these transport corridors passing through the Parish, the area is well connected and has easy access to the strategic road network (the A6 and M6) and good rail links via Preston to the West Coast Mainline.
- 1.6. Barton Neighbourhood Area equates to an area of approximately 1011 hectares and the Parish of Barton excluding the area of Myerscough and Bilsborrow Parish has a population of 1150 living in 460 households (2011).
- 1.7. This examiner's report provides a recommendation as to whether or not the BNP should go forward to a referendum. Were it to go to referendum and achieve more than 50% of votes cast in favour of it, then the BNP would be 'made' by PCC and WBC. In the event of a successful referendum result, the BNP would immediately carry full weight in the determination of planning applications in the neighbourhood area.

Appointment of the independent examiner

- 1.8. I was appointed as an independent examiner by PCC, with the consent of BPC as the lead parish, following a competitive procurement process through the National Panel of Independent Examiners Referral Service (NPIERS), to conduct the examination and provide this report as an independent examiner. I am independent of the

qualifying body and the Local Planning Authorities and I do not have any interest in any land that may be affected by the BNP, nor do I have any professional commissions in the area currently. I hold appropriate qualifications and experience and have planning and development experience, gained over 40 years across the public and private planning sectors. I am a Member of the Royal Town Planning Institute.

Role of the independent examiner

1.9. It is the role of the independent examiner to 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 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) 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;
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- g) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

* NB Basic Conditions b) and c), relating to listed buildings and conservation areas, are also included in the Basic Conditions but as these only concern neighbourhood development orders they are not included in this report.

1.10. Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, effective from 28 December 2018, prescribes the following additional Basic Condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

“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”.

Regulation 106(1) of Chapter 8 states that: *“a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment*

under Regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.

- 1.11. In examining the Plan, I have also considered whether the legislative requirements are met, namely:
- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
 - The Neighbourhood Plan has been prepared for an area that has been designated under section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
 - The Neighbourhood Plan meets the requirements of section 38B of the PCPA (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 PCPA section 38A.
- 1.12. I have examined the BNP against the Basic Conditions and legislative requirements above and, as independent examiner, I must make one of the following recommendations:
- a) that the Plan should proceed to referendum, on the basis that it meets all legal requirements;
 - b) that the Plan, once modified to meet all relevant legal requirements, should proceed to referendum;
 - c) that the Plan does not proceed to referendum, on the basis that it does not meet the relevant legal requirements.
- 1.13. If recommending that the Plan should go forward to referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Barton Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this report (See Section 8).
- 1.14. The role of the independent examiner is not to comment on whether the Plan is sound or how the Plan could be improved, but rather to focus on compliance with the Basic Conditions.

2. The Examination Process

- 2.1. It is a general rule that neighbourhood plan examinations should be held without a public hearing; that is by written representations only. However, according to the legislation, when the examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, a public hearing may be held.
- 2.2. I have considered the representations received at the Regulation 16 publicity stage and I am satisfied that there is no need for a public hearing in respect of the BNP and the matters are considered below. I confirm that all Regulation 16 representations on the Plan have been taken into account in undertaking this examination. Where appropriate, I have made specific reference to the person's or organisation's comments in Section 6 of this report.
- 2.3. I undertook an unaccompanied site visit around the neighbourhood area on 21 March 2022, during which I looked at its overall nature, form, character and appearance and at those areas affected by policies in the Plan in particular.
- 2.4. Subsequent to my reading for the examination and the site visit, I asked a number of factual clarifying questions of BPC, as lead qualifying body, WBC and PCC relating to the context and intent of policies and proposals of the Plan. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendix 1 to this report and have been uploaded to the Neighbourhood Plan webpage on the PCC website. I am grateful to the Councils for responding on these matters.
- 2.5. In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the BNP:
 - National Planning Policy Framework (July 2021)
 - National Planning Practice Guidance 2014 (as amended)
 - Town and Country Planning Act 1990 (as amended)
 - The Planning and Compulsory Purchase Act 2004 (as amended)
 - The Localism Act 2011
 - The Neighbourhood Planning Act 2017
 - The Neighbourhood Planning (General) Regulations (2012) (as amended)
 - Barton NDP Basic Conditions Statement (November 2022)
 - Barton NDP Consultation Statement and Appendices (Revised April 2023)
 - Barton NDP Strategic Environmental Assessment and Habitats Regulation Assessment Screening Determination Statements (November 2022)
 - Barton Neighbourhood Area Designation Report – (2017)
 - Representations received during the Regulation 16 publicity period post submission – (18 January to 1 March 2023)

3. Public Consultation

Background

- 3.1. An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.
- 3.2. BPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to PCC on 22 November 2022.
- 3.3. Public consultation on the BNP commenced with early discussions about a neighbourhood plan in 2018. This early consultation was followed by various consultation stages, including the two formal stages required by the Regulations:
 - The pre-submission consultation under Regulation 14 for 7 weeks from 20 October 2020 to 30 November 2020.
 - The publicity stage, as required by Regulation 16, (the consultation period post submission of the Plan) from 18 January 2023 to 1 March 2023.
- 3.4. The Regulation 16 stage resulted in consultation responses from 35 respondents some raising multiple points. The representations raised are considered as necessary within my assessment of the Plan in Section 6 below.

Barton Neighbourhood Development Plan Consultation

- 3.5. The BNP Neighbourhood Planning Steering Group was set up in 2017 and has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used included the parish newsletter, leaflet drops, posters, the Parish Council's Neighbourhood Plan website, together with the PCC and WBC websites, email drops and Facebook, as well as the offer of events and questionnaires. Hard copies of the Pre-Submission Draft Plan and Submission Plan together with supporting documents were provided locally as well as being uploaded to the websites and links provided via email.
- 3.6. Evidence gathering for the plan commenced in 2018 with a scoping questionnaire of the local community to help identify issues and concerns. 241 questionnaires were returned. These were analysed and reported on in January 2019 and used to develop issues and options and vision and objectives during 2019. A consultation on the emerging vision and objectives and options was carried out over 6 weeks in April and May 2020 but as this was during lockdown the consultation was mainly online.
- 3.7. The pre-submission draft of the Plan was signed off by the Parish Councils and as required by Regulation 14, the pre-submission consultation stage ran for 7 weeks

from 20 October 2020 to 30 November 2020.

- 3.8. The BNP was made available online on the Parish, PCC and WBC websites, and links to the Plan were provided via email to statutory consultees and local stakeholders and hard copies of the plan and supporting documents made available at a wide range of locations locally as face to face meetings were still restricted. 14 responses from residents and stakeholders were received – a relatively low number but probably indicative of the restricted nature of the consultation given ongoing pandemic restrictions.
- 3.9. Following the pre-submission stage and the analysis of results, the Plan was revised, approved for submission and submitted by the Parish Council to PCC initially in June 2022. However, concerns from PCC resulted in a revised submission plan being prepared and resubmitted on 22 November 2022.
- 3.10. The Neighbourhood Planning Regulations are part and parcel of Basic Condition a), and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Although the BNP Consultation Statement, as provided to me, sets out the results of the Regulation 14 consultation and comments on the representations made and what it was proposed to do about it, the statement does not provide a full list of those consulted which is a requirement of Regulation 15. Accordingly, BPC were asked as part of the Examiner's clarifying questions (see Appendix 1) to provide a revised Consultation Statement. This has been provided and has been uploaded to the websites.
- 3.11. Having reviewed the revised Consultation Statement, as well as the appendices to the statement, I am satisfied that the revised Consultation Statement is compliant with Regulation 15.
- 3.12. One of the residents at the Regulation 16 stage expressed concern that there has been too great a reliance on digital consultation methods which has excluded the elderly and similarly that insufficient effort was made to engage the younger population in the plan. The exceptional circumstances of the pandemic and lockdowns generally made in-person consultation difficult for many neighbourhood plans over this period. However, as above, hard copies of the plan were made available for inspection and it is clear from documentation sent out that the offer was there to support parishioners unable to participate online. Although response levels were low, mainly due to the restrictions associated with the pandemic, I am satisfied that there was adequate opportunity for the community to participate and express their views.

4. Preparation of the Plan and legislative requirements

- 4.1. In terms of the procedural tests set out above my findings are:

Qualifying body

- 4.2. Barton Parish Council (BPC), in partnership with Myerscough and Bilsborrow Parish Council as the duly elected lower-tier councils, is the qualifying body for preparation of the Plan.
- 4.3. I am satisfied that the requirements set out in the Localism Act (2011) and in section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

Plan Area

- 4.4. An application was made by BPC on 30 March 2017 to designate the Barton Neighbourhood Area. The area applied for covered the whole administrative area of Barton Parish plus (with the agreement of Myerscough and Bilsborrow Parish Council) the area of Barton village west of the A6 to the West Coast Mainline). This neighbourhood area was approved by PCC and Wyre Council on 8 September 2017.
- 4.5. This satisfies the requirement under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations as amended.

Plan period

- 4.6. A neighbourhood plan must specify the period during which it is to have effect. The BNP clearly states in the introductory sections that it covers the period up to 2030 although this is not set out on the title page which would be recommended – See Recommendation 1 below.
- 4.7. Although now only a relatively short period remains, the Parishes commit to reviewing the plan in section 8 of the plan. The intended time period satisfies the requirements of section 38B of the PCPA as amended.

Excluded development

- 4.8. The Plan does not include policies or proposals that directly relate to any of the categories of excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure, or any matters set out in Section 61K of the TCPA 1990. The BNP, as proposed to be modified in Section 6 below, relates solely to the neighbourhood area and no other neighbourhood area, and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies the requirements of section 38B of the PCPA, as amended.

Development and use of land

- 4.9. The Neighbourhood Plan should only contain policies relating to the development and use of land. Subject to any modifications proposed below in Section 6, the BNP policies would be compliant with this requirement of section 38B of the PCPA, as amended.

Plan publication following submission

- 4.10. PCC undertook a validation check of the BNP following its eventual submission on 22 November 2022. The Council was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination.

5. The Basic Conditions

National policy and advice

- 5.1. The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF was published in July 2021. Although preparatory work for the BNP commenced under the previous 2019 version of the NPPF, in preparing the BNP for submission, references to the NPPF were updated to reflect the new 2021 NPPF. I have based my consideration of the extent to which the BNP meets Basic Condition a) against NPPF 2021, along with legislation and regulations.
- 5.2. The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.
- 5.3. The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words, neighbourhood plans must be in general conformity with the strategic policies of the development plan. They should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.
- 5.4. The NPPF indicates that plans should contain policies that are clearly written and unambiguous, so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.
- 5.5. National advice on planning is set out in the Planning Practice Guidance (PPG), which includes specific advice regarding neighbourhood plans. I have considered the advice of the PPG as part of assessing the Plan against Basic Condition a).

Sustainable development

- 5.6. A qualifying body must demonstrate how a neighbourhood plan would contribute 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 overarching objectives to sustainable development - economic, social and environmental.
- 5.7. There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.
- 5.8. In this case, a very general sustainability assessment in tabular form is included in the Basic Conditions report (Table 1) which considers the plan policies against the 3 main sustainability objectives (environmental, social and economic). The table is extremely brief in its assessment but includes sufficient information to confirm, at a high level, at least, that the effect of the policies of the Plan would be generally positive in terms of sustainability. I consider the contribution of specific policies to sustainable development below in Section 6.

General conformity with the development plan

- 5.9 The BNP has been prepared in the context of the *Central Lancashire Core Strategy (CLCS)*, *Preston Local Plan (PLP)* and the *Wyre Local Plan 2011-2031* (incorporating partial update of 2022) (WLP). The BNP must be in general conformity with the strategic policies.
- 5.10 The PPG provides the following definition of general conformity:
- “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
 - the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
 - whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
 - the rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach.”

- 5.11 Story homes in their Regulation 16 representation argue that the BNP should acknowledge the emerging Central Lancashire Local Plan which will replace the CLCS. However, this plan is at a very early stage being only at preferred options stage. Therefore, there is no need to specifically acknowledge it and little merit in doing so.
- 5.12 The Wyre Local Plan is also under review and PWL Planning on behalf of Seddon Homes concludes its Regulation 16 representation on the plan stating that the neighbourhood Plan is premature in the light of the full review of the WLP now underway. This is not the case. The PPG at Paragraph 009 gives very clear advice on the circumstances where a neighbourhood plan is being prepared in advance of updating a Local Plan. The important point is that the neighbourhood plan must be in general conformity with the strategic policies of the local plan adopted or in force. This section of the PPG advice demonstrates that the Government is very clear that neighbourhood plans should not be delayed simply because a new local plan is underway. There may be implications for the Barton Neighbourhood Plan in the future once the full review of the Wyre Local Plan is adopted which may have to be addressed through a review of the BNP, but it is certainly not premature for the BNP to proceed in the meantime.
- 5.13 I consider the extent to which the policies and proposals of the BNP are in general conformity with the strategic policies of the CLCS, PLP and WLP in detail in Section 6 below.

European Union (EU) obligations

- 5.14 A neighbourhood plan must be compatible with EU obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom's departure from the EU, these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Strategic Environmental Assessment and Habitat Regulations Assessment

- 5.15 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environmental Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.
- 5.16 Regulation 15 of the Neighbourhood Planning Regulations, as amended in 2015, requires either that a SEA is submitted with a neighbourhood plan proposal or a determination obtained from the responsible authority (PCC and WBC) that the Plan

is not likely to have 'significant effects.'

- 5.17 A screening opinion and determination report was prepared by PCC in consultation with the statutory bodies in 2022. The conclusion was that full SEA was not required because the BNP did not allocate land for development. The larger development sites in the neighbourhood area had already been considered and assessed through the PLP and WLP SEA processes and any additional development permissible under the policies of the BNP itself would be likely to be small scale. Also because of the plan's environmental focus seeking to avoid or minimise impacts there was unlikely to be any significant adverse effects. Moreover, it is likely that any impacts from the small scale and local development that might take place directly through the BNP would be offset by the positive benefits of the policies within the Neighbourhood Plan seeking to achieve more sustainable development.
- 5.18 Regarding Habitats Regulations Assessment (HRA), the test in the additional Basic Condition under Regulation 32 now essentially mirrors that in respect of SEA. It requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination obtained from the responsible authority (PCC) that the plan is not likely to have a 'significant effect'. A screening opinion was similarly carried out by PCC and WBC in 2022 and a determination prepared.
- 5.19 An HRA Screening Opinion was carried out which confirmed no European sites are located within the Neighbourhood Area and there are none within a 20 KM radius of the neighbourhood area. The conclusion of the Council's determination was that the BNP policies were generally beneficial and there were none falling into categories likely to have adverse effects and could therefore be screened out. As there were no allocated sites in the plan area, not already considered in other plans, and no European sites within or close to the parish, the BNP policies and proposals, either alone or in combination with other plans or projects, were unlikely to have a significant effect on any European sites. Consequently, the plan is not considered to require Appropriate Assessment under Article 6 or 7 of the Habitats Directive.
- 5.20 Both the determinations regarding SEA and HRA have been confirmed by Natural England, the Environment Agency and Historic England as statutory consultees. I have no reason to reach a different view to the statutory consultees.

European Convention on Human Rights (ECHR)

- 5.21 The Human Rights Act 1998 encapsulates the Convention and its articles into UK law.
- 5.22 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the BNP. Instead, the Basic Conditions Statement simply carries out a brief review of the plan against the 3 main relevant Articles of the Convention.
- 5.23 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions - although the BNP includes policies that would restrict

development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

- 5.24 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair hearing in determination of an individual's rights and obligations - the process for preparing the BNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.
- 5.25 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground - the policies and proposals of the BNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.
- 5.26 I conclude that, given the nature of the plan policies and proposals, it is unlikely there would be any detrimental impact on the 'protected characteristics' set out in the Equality Act and, generally, the Plan would bring positive benefits. Whilst the Plan does not directly address needs in respect of particular protected characteristics within the plan area, the BNP is not prejudicial to any group in its policies.
- 5.27 No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the Plan. I am satisfied on the basis of the above that, across the Plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.
- 5.28 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.
- 5.29 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 BNP is compatible with EU obligations and therefore with Basic Conditions f) and g).

6 The Neighbourhood Plan – Assessment

- 6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section, following the structure and headings in the Plan. Given the findings in Section 5 above that the Plan as a whole is compliant with Basic Conditions f) (EU obligations) and g) (Other prescribed conditions including that under Regulation 32), this section largely focusses on Basic Conditions a) (Having regard to national policy), d) (Contributing to the achievement of sustainable development) and e) (General

conformity with strategic policies of the development plan).

- 6.2 Where modifications are recommended, they are clearly marked as such and set out in bold print.

The general form of the Plan

- 6.3 The structure of the BNP is generally logical with early sections setting the context in respect of the background to the neighbourhood plan and the key issues facing the area, before setting out the vision and objectives and the policy sections.
- 6.4 The Plan distinguishes between the policies themselves and their justification by boxing and shading the policies. Each policy is accompanied by supporting text setting out the context, justification and intent. Some of this is weak - a point I will return to in the policy sections below and will need to be strengthened.
- 6.5 The NPPF at paragraph 16 requires the Plan to be “*clearly written and unambiguous so it is evident how a decision maker should react to development proposals*” and to “*serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area*”. This is reflected in the Planning Practice Guidance which states that “*A policy in a neighbourhood plan 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*”.
- 6.6 While this is directly related to policy the general intent is that the whole plan should be clear and unambiguous and in a number of respects there are matters that need to be resolved to ensure the general form of the BNP assists in making the policies and whole plan as clear as possible.
- 6.7 - Firstly, the Neighbourhood Plan is referred to differently throughout the plan – on the title page as Barton Village Neighbourhood Plan, as Barton Neighbourhood Plan and as Barton Neighbourhood Development Plan. Technically all neighbourhood plans are Neighbourhood Development Plans but the reference to Barton Village in the title does not reflect the fact that there is a large rural area beyond the village that is included in the Neighbourhood Area. The Parish were asked about this in the Examiner’s clarifying questions and have confirmed that it wishes the Plan to be referred to as the Barton Neighbourhood Plan. There is no objection to this but it needs to be consistent throughout and all policy references would also need to be changed to BNP.
- Secondly, the period of the plan should be clearly expressed on the front cover.
- Thirdly, the paragraphs should be numbered throughout to allow easy referencing of sections.

- Fourthly, the section on page 16, where it is located, disrupts a clear flow to the plan. It relates to key issues and is both wrongly titled (as it is not related to the Planning Policy Context) and would more logically lead into the section on vision and objectives.

- Finally, in order to provide a clear and unambiguous plan this also requires the mapping to be clear. In the printed and digital versions the plans need to be enlarged to be full page plans extending the full extent of the page so that they and their keys are as clear as possible.

Recommendation 1	
1A	Standardise the references to the Neighbourhood Plan throughout the document. If this is to be the <i>Barton Neighbourhood Plan (BNP)</i> as the Parish Council suggest then the policy references also need to be changed to BNP01, BNP02, etc.
1B	Add the period covered by the plan 2019-2030 to the title page.
1C	Number all text paragraphs in the plan with the section number first then the text paragraph e.g 1.1, 1.2 etc.
1D	Relocate the Key Issues Section (page 16) without its title block to follow at the end of the Community Consultation Section and before the section Vision and Objectives. Re-number accordingly.
1E	Enlarge the mapping used within the plan so that it occupies a whole page and is as large as possible within the constraints of the A4 format.

Section 1 - Foreword

6.8 This section provides a factual introduction to the Neighbourhood Plan, and for the most part there is no need for any changes other than a number of typographical changes set out in Appendix 2 to this report and updating to reflect the stage reached in the production of the plan. There is however a factual correction to make at paragraph 5 on Page 3 where the text talks about the status of the neighbourhood plan. The text says the plan is a material consideration. This is inaccurate and the text needs to make clear that, following the referendum, the plan becomes part of the development plan.

Recommendation 2	
2A	In Paragraph 5 of the Foreword delete the second sentence and replace with: “<i>The Neighbourhood Plan once ratified at a local referendum</i>”

	<i>becomes a part of the Development Plan and will be used by Preston City Council and Wyre Council when determining planning applications within the neighbourhood area.”</i>
2B	Update para 2 Page 4 to reflect the next stage of the process when the plan is being modified for referendum.

Section 2 - Background

- 6.9 Section 2 of the BNP sets out the origins of the neighbourhood plan and the background to the neighbourhood area today. This is a largely factual section but there is a clarification required in the second paragraph to properly describe the neighbourhood area as including all of Barton Parish and that part of Myerscough and Bilsborrow Parish west of the A6 and east of the West Coast Mainline.

Recommendation 3	
3A	Insert in Line 1 of Paragraph 2 on Page 5 after the word ‘whole’ the following: “...of Barton Parish and the section of Myerscough and Bilsborrow Parish west of the A6 and east of the West Coast Mainline to be designated...”.

Section 3 – The Neighbourhood Plan Process and Preparation

- 6.10 Section 3 of the Plan sets out the process involved in preparing the plan and other than some typographical corrections set out in Appendix 2 and the need for the section to be updated to reflect the modified plan going forward to referendum there is no need to modify the section to meet the Basic Conditions.

Section 4 - Community Consultation

- 6.11 The fourth section of the plan sets out the community consultation that took place during its preparation.
- 6.12 The section is somewhat repetitive of the Consultation Statement but does not involve any conflict with the Basic Conditions and I make no formal recommendation to modify the section other than typographical corrections in Appendix 2.
- 6.13 It should be noted however that, as per Recommendation 1, I am recommending that the section on key issues on Page 16 is relocated to the end of section 4.

Section 5 - Vision and Objectives

- 6.14 Being able to demonstrate the ‘thread’ from issues to vision and objectives and from

objectives to policies is an important part of evidencing the Neighbourhood Plan as required in the PPG. This is why I am recommending the relocation of the key issues section.

- 6.15 The vision looks to ensure that the identity of Barton as a safe and welcoming community and inclusive village is retained. It aims to support limited sustainable development particularly in response to residents' needs for quality and choice of affordable homes.
- 6.16 The Plan has regard to the PPG advice that it *“provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people”*.
- 6.17 The vision and objectives also encapsulate and generally reflect the spatial vision and objectives set out in the PLP at Sections 2.3 and 2.4 and the WLP at Sections 3.2 and 3.4. The impact of pursuing the vision and objectives of the Neighbourhood Plan would contribute to the achievement of sustainable development in the neighbourhood area.
- 6.18 Lancashire County Council in its Regulation 16 representations comments that the objectives section should recognise that school place provision is a key element of sustainable communities and housing development should mitigate its impact on education provision. Whilst the point is understood, the vision and objectives have been endorsed by the community and it is not possible to add additional objectives without going back to let the community have further input. The matter is considered further in the context of the Housing Policy BNDP05 below.
- 6.19 No changes to the vision and objectives are necessary to meet the Basic Conditions.

Section 6 – Planning Policy Context

- 6.20 Section 6 of the Plan introduces the national and local planning policy context within which the neighbourhood plan policies sit and is entirely factual. There is reference on page 15 to the availability of a Neighbourhood Planning Policy Background and Evidence Base Review on BPC's website. However as this does not seem to be available the Parish Council were asked as part of the Examiner's clarifying questions (see Appendix 1) to clarify on this point. The document has now been provided to me and an updated version of it uploaded to the Parish and PCC websites.
- 6.21 In the interests of a clear and unambiguous plan it would be more appropriate to relocate Figure 2 - the Local Plan Allocation Map - into section 6. However, as this is not directly necessary to meet the Basic Conditions, I make no formal recommendation in this respect.

Section 7 – Barton NDP Policies

6.22 Section 7 sets out the policies of the neighbourhood plan.

Policy BNDP01 – Green Infrastructure

- 6.23 The aspiration of Policy BNDP01 of the Neighbourhood Plan in seeking to maintain and enhance green infrastructure has regard to the NPPF at section 15, particularly paragraphs 175 which encourages plans to take a strategic approach to maintain and enhancing networks of habitats and green infrastructure.
- 6.24 The strategic context in respect of protecting the natural environment is set out in Policy EN2 of the PLP and Policy CDMP4 of the WLP which seek to protect, maintain and enhance the District’s green infrastructure and its functionality and interconnectivity. Whilst there is some overlap between the Local Plan Policies and Policy BNDP01, the Policy does add local context and does not merely replicate the Local Plan policies. Policy BNDP01 is arguably therefore complementary to the PLP and WLP policies and in general conformity and Basic Condition e) is met.
- 6.25 Given that the objectives of the Policy are to maintain and enhance green infrastructure Policy BNDP01 will have a positive effect in achieving sustainable development and in particular environmental sustainability.
- 6.26 Lancashire County Council in its Reg 16 representation however raises the point that Policy BNDP01 should refer to ‘Green’ and ‘Blue’ infrastructure – ‘Blue’ being the water based elements of the network. In as much as water courses and features are already referred to in the Policy, I consider the wording is clear. Moreover, the official definition of Green Infrastructure in the NPPF although referring to ‘Blue’ assets does so using ‘Green Infrastructure’ as the umbrella term. I therefore make no formal recommendation to modify the Policy. However if PCC decide to do so they can.
- 6.27 Wyre Council in its Regulation 16 representation similarly seeks further clarification of the definitions and terminology used in the Policy and advises that Figure 3 should be comprehensive in the GI that is shown there. I agree that Figure 3 should show all of the existing network if major elements of the network are missing but, in terms of the wording in the Policy itself, I consider there is no lack of clarity. It would be helpful however to include the formal definition of GI from the NPPF in the Glossary of Terms in the BNP on pages 44/45.

Recommendation 4

4A	Ensure figure 3 is comprehensive in showing the main elements of the Green Infrastructure network in both Council areas.
4B	Include in the Glossary of Terms on page 44-45 the NPPF 2021 definition of Green Infrastructure.

Policy BNDP02 - Local Green Spaces

- 6.28 The Neighbourhood Plan at Policy BNDP02 takes up the opportunity offered in the NPPF to identify and designate Local Green Space (LGS) in accordance with NPPF paragraphs 101-103. Such spaces can only be designated at the time the neighbourhood plan is being prepared and development within them will be treated in the same way as development within the Green Belt i.e. only permitted where very special circumstances apply.
- 6.29. The sites considered and proposed to be designated as LGS are described in Figure 4 (together with an assessment in terms of the tests set out in Paragraph 102 of the NPPF) and mapped in Figures 5 and 6. The NPPF tests are:
- Is the green space in reasonably close proximity to the community it serves?
 - Is the green space demonstrably special to the local community and of local significance?
 - Is the green space local in character and not an extensive tract of land?
- 6.30 For the most part, having reviewed the LGS in Barton, I generally agree that they all meet the first and last tests. However, Sport England has raised concerns in its Reg 16 representations that sites involving playing fields and recreation facilities should not be included as LGS as this would pre-empt any proposals to develop the facilities and indeed would prevent redevelopment of the sites to facilitate provision elsewhere. In Sport England's view this would mean that sites 1, 2, 5 and 7 should be removed.
- 6.31 I share Sport England's view in respect of site 1 – Village Hall in that this site contains only formal recreation facilities and not what is typically Local Green Space. Moreover these facilities would already be protected by other policy in the PLP in the event of their redevelopment. In respect of site 2 – St Lawrences School Field however, the site has a major amenity role as green space in the Main Street through Barton and there is a strong case, notwithstanding that it forms part of the school playing field, that it should be kept open. A similar argument relates to site 7 – King George Playing Field which is part of the open green setting between Barton and Newsham and, notwithstanding its use as playing fields, it should remain open. It would be for the Education Authority or Parish Council respectively on sites 2 and 7 to make the case that very special circumstances existed if development was necessary on the LGS to enhance these facilities. In respect of site 5 – St Mary and St Andrew's School playing field however there is less of a case that the site needs to be designated as an LGS. It is of course important to the school community but it is not generally accessible to the wider community as recreation space nor is it critical in general amenity terms as it is set to the rear of the school and not part of the streetscene through Newsham. Moreover the site boundary currently includes the school buildings themselves which is unacceptable. I am therefore not persuaded that it warrants preservation as a Local Green Space in the same way as site 2.

- 6.32 The challenge to the proposed LGS flags the point that the assessment in Figure 4 is not as strong as it should be, particularly in respect of the ‘Demonstrably Special to the Community’ test and these entries should be strengthened as per the assessment above.
- 6.33 A resident in their Regulation 16 representation expresses concern that not all possible LGS have been picked up particularly in new developments and at village entrances. However at this stage there is not the opportunity to add new LGS without going back through consultation. My recommendation is that, if there are prospective LGS to add, this is picked up in the first review of the neighbourhood plan.

Recommendation 5	
5A	Delete proposed designated LGS 1 and 5 from Figures 4, 5 and 6, from the listing in Policy BNDP02, renumber remaining LGS and make consequential changes to supporting text.
5B	Strengthen the ‘Demonstrably Special’ column in Figure 4 to refer in the case of site 2 to its amenity role as green space on the main street in Barton; to the historic value of site 4 as churchyard; to the importance of site 6 as open green space between Barton and Newsham; and to the importance of site 7 in terms of the open space between the two settlements .

- 6.34 Other than the changes to the LGS designations however there is no need for modification to the Policy and, with these recommended modifications to the proposed designations, the plan will be in accordance with Basic Condition a). Neither the CLCS nor the PLP and WLP contain policies directly relevant to LGS. However, Policy BNDP02 is in general conformity with the overall objectives of these plans. The Policy is likely to make a strongly positive contribution to achieving sustainability. Accordingly, the designations and policy as modified would also meet Basic Conditions d) & e).

Policy BNDP03 – Active Travel

- 6.35 Policy BNDP03 seeks to ensure that new development proposals incorporate measures to promote sustainable and active travel. In as much as key objectives of section 8 of the NPPF on promoting healthy and safe communities and section 9 promoting sustainable transport are about maximising pedestrian permeability, Policy BNDP03 has regard to the NPPF. However, as with other policies, the Policy in one minor respect is not wholly compliant with the need for policies to be clear and unambiguous.
- 6.36 Paragraph 1 of the Policy in its last 2 lines is unclear as to what the intention is. This lack of clarity in policy wording provides imprecise guidance for developers and is

likely to be used to justify non-compliance. The Parish Council were asked to confirm what the intention is as part of the examiner’s clarifying questions (See Appendix 1 below). BPC has confirmed that the text for clarity should read:

“By incorporating measures that improve facilities and infrastructure such as bus stops, signage and cycle storage for all users.”

This is an acceptable clarification and does not materially alter the intention of the policy and I recommend it is added to the policy.

- 6.37 The only other clarifying amendment required is in respect of the supporting text on page 27. The penultimate paragraph there gives the impression that the neighbourhood plan can further the suggested improvements listed there in relation to bus services when in fact it cannot. The BNP can only deal with matters relating to the development and use of land. The paragraph needs to make clear that the BNP cannot deliver these improvements and that the Parish Council will pursue them as separate projects.
- 6.38 Wyre Council in its Regulation 16 representations refers to Figure 7 the Barton Connectivity Plan and points out that although public footpaths are visible on the base map within the Wyre Council area the proposed improvements to the network in the section of Barton within Wyre’s area are not shown and nor are crossing points of the A6. In part this is due to the limited extent of the neighbourhood area within Wyre Council’s area and also the small scale of the mapping. It might be resolved by adding an enlarged insert of the main area of Barton extending from Station Lane Newsham north to White horse Lane or similar which would allow greater detail to be shown.

Recommendation 6	
6A	Amend lines 3 and 4 of paragraph 1 to Policy BNDP03 to read : <i>By incorporating measures that improve facilities and infrastructure such as bus stops, signage and cycle storage for all users.”</i>
6B	Relocate the penultimate paragraph on page 27 to become the last paragraph and add a new sentence to the end to read: <i>“These matters relating to bus services are not something which can be taken forward as part of the formal Neighbourhood Plan but the Parish Council will pursue these as separate projects.”</i>
6C	Add an enlarged inset alongside Figure 7 – Barton Connectivity showing the main area of the village between Station Lane - Newsham north to White Horse Lane which should include any connectivity improvements in the Wyre Council area of Barton and any crossing point improvements on the A6.

6.39 With these clarifications made Basic Condition a) would be met. The Policy would be in general conformity with Policy 3 of the Central Lancashire Core Strategy setting out the strategic approach to sustainable travel and to Policy ST3 of the PLP which seeks to ensure that safe and convenient access is afforded to everyone. It also conforms with Policy CDMP6 of the WLP which seeks to enhance accessibility and transport linkage. These policies are all quite detailed in their own right but I am satisfied that Policy BNDP03 adds to the strategic policies by being locally specific. By securing active travel via more sustainable modes of transport for new development the Policy would contribute to the achievement of sustainable development. Basic Conditions d) and e) are therefore also met.

Policy BNDP04 – Drainage and Water Management

- 6.40 Policy BNDP04 is a very detailed policy seeking to ensure development in the parish adopts a sustainable approach to surface water drainage.
- 6.41 Section 14 of the NPPF seeks to meet the challenge of Climate Change including making the transition to a low carbon future and protecting from flood risk. It sets out in detail the approach to minimising flood risk and there is therefore no need for the BNP to repeat it. Surface water flooding as a result of inappropriate design of surface water drainage can however aggravate flooding problems and Policy BNDP04 responds to this risk. It therefore has regard to national policy.
- 6.42 CLCS Policy 29 sets out the strategic requirements in respect of water management in development but the PLP does not contain any specific policy in respect of surface water drainage and management. WLP Policy CDMP 2 on Flood Risk and Surface Water Management does set out in detail the requirements in respect of drainage and although it overlaps with Policy BNDP04 this strategic policy covers only a small part of the Neighbourhood Area. The additional, locally specific principles for the plan area contained in Policy BNDP04 are therefore justified and complement CLCS Policy 29. Moreover, the outcome of applying the Policy will deliver more sustainable development.
- 6.43 Whilst the principle of the Policy meets the Basic Conditions, in respect of Policy BNDP04 the requirement of the NPPF and PPG for policies to be clear and unambiguous is not wholly met. In a very detailed policy such as this there are inevitably a number of these areas.
- 6.44 First in respect of the first paragraph it is not clear what is meant by 'suitable mitigation' and not clear why the Policy is expressed in the negative which is not generally good practice. Lancashire County Council as Local Lead Flood Authority (LLFA) make the point in their Regulation 16 representation that there is also a factual correction to make in that the policy reference to the PPG is now incorrect. Following the 2022 amendments to the PPG it is now paragraph 056. If the paragraph references are to be retained then a phrase should be added to refer to any future revisions of the PPG. It would alternatively be possible not to refer to

specific paragraph numbers of documents at all. A similar point arises in respect of paragraph a) and the reference to the PPG. Also the NPPF reference should include paragraph 167.

- 6.45 Secondly, both LCC as LLFA and Wyre Council (WC) in their Regulation 16 representations raise concerns that Policy BNDP04 in parts c) and d) goes beyond what is currently required in national policy in respect of sustainable drainage. WC makes the point that on the smallest developments e.g 1 or 2 houses the construction management plan referred to (which is assumed to mean a construction drainage management plan) may not always be justified and this should only be a requirement of major developments and minors where there is a specific surface water drainage issue. WC proposes alternative wording which appropriately resolves this issue and I recommend it below. The LLFA point can be covered by a minor rewording to part d).
- 6.46 Thirdly, Regulation 16 representations from Lancashire County Council as LLFA also express concern regarding how the plan approaches greenfield run-off in part e) of the Policy. The statement in brackets regarding using the total site area to calculate the greenfield runoff rates is inaccurate and could potentially increase flood risk from new development sites. The LLFA recommends removing the bracketed section altogether to prevent confusion and poor drainage design.
- 6.47 Finally, there is an issue with the layout of the end of the policy which is unclear and needs to be resolved. The last sentence of part i) leading into parts j) and k) bears no relation to the rest of part i) and should be a separate section. Moreover part l), relating to public rights of way affected by poor drainage and the need to resolve this through development, does not make sense where it is currently located and should be relocated to follow part i) as new part j).

Recommendation 7	
7A	Reword introductory paragraph to policy BNDP04 to read: <i>“Development proposals will be expected to make suitable provision for surface water drainage and water management which does not exacerbate surface water flooding beyond the site and takes all opportunities to provide a betterment. Developers should.....stipulated in paragraph 056 of the PPG or any future revisions to it. In determining proposals the following will be assessed: ”</i>
7B	Delete the paragraph reference ‘080’ in line 6 of part a) of policy BNDP04 and replace with “056”. Add to the end of the paragraph the words: “or future versions of these documents.”
7C	Insert a full stop after the word ‘strategy’ in line 5 of part c) to Policy BNDP04 and delete the words ‘and construction management plan’.

	<p>Insert new sentence to read:</p> <p><i>“A construction drainage management plan will also be required to be submitted for all major developments and for minor developments where surface water flooding is an issue.”</i></p>
7D	<p>In part d) of Policy BNDP04 revise the last sentence to read:</p> <p><i>“Opportunities for the inclusion of in the design of Sustainable Drainage Systems should be explored”.</i></p>
7E	<p>In part e) of Policy BNDP04 delete bracketed section in lines 2-4.</p>
7F	<p>Delete the last sentence of part i) to Policy BNDP04 and relocate current part l) as new part j).</p>
7G	<p>Prepare new part k) to read:</p> <p><i>“k) In addition to the above requirements of development proposals Barton Parish Council will:</i></p> <p><i>i) Work proactively with Lancashire.....public drainage infrastructure.</i></p> <p><i>ii) Actively engage with Preston..... weight in decision making”.</i></p>

6.48 Although these modifications involve considerable textual change to Policy BNDP04 I am satisfied that the essential purpose and objective of the Policy remains the same and as modified it will meet the basic conditions.

Policy BNDP05 – New Housing in Barton

6.49 The neighbourhood plan at Policy BNDP05 sets out the circumstances in which housing additional to the major allocated sites will be supported within the settlement boundaries of Barton.

6.50 Policy BNDP05 has regard to the NPPF at section 5, particularly paragraph 69 encouraging the use of small and medium sized sites and section 11 of the NPPF encouraging the effective use of land. There are no specific policies in either the PLP or WLP relating to the development of small sites although clearly both Councils support the contribution non-allocated windfall sites will make to the delivery of housing within settlement boundaries and in that regard Policy BNDP05 is in general conformity with strategic policy.

6.51 However, a representation from PWA Planning on behalf of Seddon Homes Ltd at the Regulation 16 stage has objected that this policy is not appropriate as it would completely inhibit sustainable growth of other communities on the boundary of the neighbourhood area notably Bilborrow. In failing to allocate land and stipulating small homes the plan will fail to generate change in the community.

- 6.52 It was clear from the site visit that this is not the case. Significant allocations particularly in Wyre Council's area of the village are both recently completed and still being built out and include considerable numbers of family homes. Moreover, both PCC and WC can demonstrate significantly in excess of a 5 year housing supply in both Council areas. As such the BNP is under no obligation to allocate additional housing land either in respect of Barton or in support of Bilsborrow. It is clear from other Regulation 16 representations that the resident community in the neighbourhood area does not wish to see further large scale housing beyond the existing allocations of both Local Plans (i.e. that necessary to meet the housing requirement) and is concerned about the impact of such housing on the provision of appropriate physical and social infrastructure and the disruption large scale development brings during construction. It is in that context that the BNP seeks only to support, by definition, smaller housing developments within the settlement boundaries. The very strong feelings of the residents in this respect could be reflected in a slight adjustment to clause e) of the Policy. This clause currently relates to the location of the sites to allow access to services and facilities but the concerns of the residents are that support for additional housing sites should be contingent on physical and social infrastructure capacity being in place. An addition to this clause would meet these concerns.
- 6.53 As with a number of other policies in the BNP several modifications are necessary to meet the NPPF and PPG requirement for policies to be clear and unambiguous and to give clear guidance to developers.
- First it is not clear what is meant by the last sentence of the first paragraph to the policy. BPC were asked in the examiner's clarifying questions to explain what was meant (see Appendix 1 below) but the response is not sufficiently clear either. To resolve this a clarification is necessary to refer specifically to the development boundaries drawn in both the Preston City Local Plan and Wyre Local Plan and the last sentence simply deleted.
 - Secondly, it is not clear in the second paragraph of the Policy which are the criteria that development will be assessed against because of the way the Policy is constructed. It should state that assessment will be against "all of the following criteria a) to l)".
 - Thirdly, the Policy at clause g) refers to affordable housing having 'equal measures for footprint, parking and garden space'. It would not be clear to developers what is the requirement of them in this respect. BPC were asked in one of the examiner's clarifying questions about this (see Appendix 1) and has confirmed that the text was intended to ensure that affordable housing was built to the same standards in respect of floor area, parking and garden space.
 - Fourthly, Wyre Council in its Reg 16 representation points out that the BREEAM standards do not relate to general housing, only multi-residential buildings and non-residential buildings and request amended wording to clause k) of Policy BNDP05.

However, at the time the previous Code for Sustainable Homes was scrapped and replaced by the National Housing Technical Standards the Government made it clear that neighbourhood plans should not contain additional policy requirements on this matter. Accordingly, the clause should not be retained and I will recommend its deletion.

- Fifthly, the policy on page 33 sets out the circumstances where residential development will be allowed outside the development boundary. At present this implies that only rural exception housing will be permitted outside the boundary when in fact this is contrary to both the NPPF at paragraph 79 and the Local Plans both of which allow development in other circumstances eg rural workers' dwellings etc. This has to be reflected in the clause.

- Finally, clause j) and the final paragraph of the policy regarding minor housing development appears to needlessly duplicate Policy BNDP04 on drainage and Water Management. There is some additional guidance in respect of minor development in the final paragraph of the Policy but clause j) would appear to be superfluous.

- 6.54 Sport England in its Regulation 16 representation makes the point that new housing development in particular should reflect the agency's Active Design Guidance to ensure there are opportunities for people to lead healthy lifestyles and create healthy communities. This is a reasonable addition reflecting national policy objectives in the NPPF and should be made.
- 6.55 The National Farmers Union in its Regulation 16 representation makes the point that the policy should ensure appropriate storm water drainage through SuDS should be required to avoid water draining onto farmland resulting in crop damage. However, as Policy BNDP04 deals extensively with drainage and SuDS repeating this in Policy BNDP05 is unnecessary.
- 6.56 In addition to changes to the policy itself, attention needs to be given to the supporting text. The PPG requires neighbourhood plan policies to be supported by an appropriate level of evidence. At present the supporting text on pages 34-35 concentrates on setting out the situation with regard to housing supply. There is hardly any justification whatsoever for the content of the Policy. The coverage in respect of the housing supply position needs updated particularly in respect of the Wyre Local Plan (wording for which has been supplied by Wyre Council in response to the examiner's clarifying questions at Appendix 1). Also, as supply issues are not really relevant to Policy BNDP05, it would be better if the general supply position was relocated to come before the Policy in its own section perhaps entitled 'The provision of housing in Barton'. This could end with an explanation that because housing provision is broadly adequate, given the local plan allocations, the neighbourhood plan will support only smaller windfall sites within the settlement boundary and Policy BNDP05 sets out the basis for this support. The background justification following the policy needs to be developed to justify the policy content

and Wyre Council has asked for the details at Appendix 1 of the BNP re housing sites to be updated. BPC were asked as part of the examiner's clarifying questions to supply a revised background justification to the housing policy. This has been supplied and I am satisfied that the background now properly supports the policy and provides the evidence and justification for the policy as required by the PPG. The revised text is at Appendix 3 below.

Recommendation 8	
8A	<p>Add after the word 'within' in line 2 of paragraph 1 to Policy BNDP05 the following:</p> <p><i>"...the development boundaries for the village defined in the Preston Local Plan and Wyre Local Plan. (See Figure 2)."</i></p> <p>Delete the words 'existing residential sites' and the second sentence in Paragraph 1.</p>
8B	<p>Reword the last sentence of paragraph 2 to Policy BNDP05 to read:</p> <p><i>"Proposals will be assessed against all of the following criteria a) to l)"</i></p> <p>(Note - This will now be criteria a) to k) as a result of these modifications deleting 2 of the criteria and adding only one back – see below)</p>
8C	<p>Reword clause e) of Policy BNDP05 to read:</p> <p><i>"New dwellings should be supported by capacity in physical and social infrastructure and appropriately located to allow access to local facilities and services."</i></p>
8D	<p>Amend line 2 of clause g) to Policy BNDP05 after the word 'development' to read:</p> <p>"...and should have equal space standards, parking and garden space to that provided in market housing.</p>
8E	<p>Delete clause j) relating to drainage which is covered extensively by Policy BNDP04.</p>
8F	<p>Delete clause k) of Policy BNDP05 as the imposition of additional standards is not supported in neighbourhood plans.</p>
8G	<p>Insert new clause to read:</p> <p><i>"Opportunities are created, by applying the principles of Sport England's Active Design Guidance (or any successor document), in new housing, to</i></p>

	<i>enable healthy lifestyles and communities”.</i>
8G	In the Paragraph of Policy BNDP05 titled New Housing Outside Settlement Boundary add after the word ‘housing’ in line 2 the words “ <i>or otherwise....”</i> .
8H	<p>Relocate the text from pages 34 and 35 which relates generally to housing supply to precede policy BNDP05 in a new section entitled “<i>The Provision of Housing in Barton</i>”</p> <p>Delete Para 3-6 on Page 34 (which deal with Wyre housing position) and replace with the following:</p> <p><i>“Wyre Borough Council submitted its Local Plan Partial Update to Government for Examination in April 2022. The Examination hearing sessions closed on 28 September and following a six week public consultation on the main modifications the Inspector’s final report was received in late 2022. The Partial Update was adopted by the Full Council in January 2023.</i></p> <p><i>The current policies in the Wyre Local Plan (2011 – 2031) that have been superseded by the adopted Wyre Local Plan (2011-2031) (incorporating partial update of 2022) and that are relevant to Barton Parish include: SP1 Development Strategy; SP4 Countryside Areas; HP1 Housing Land Supply; HP3 Affordable Housing, HP4 Rural Exceptions. All other policies and site allocations remain unchanged.</i></p> <p><i>The Inspector considered all the evidence presented to the examination and in respect of housing supply concluded that to ensure the Plan is positively prepared and consistent with national policy, a backdated requirement of 479 dwellings per annum should be factored into the housing requirement calculations between 2011 and 2018/19 and the standard method figure of 296 dwellings per annum employed from 2019/20 onwards.</i></p> <p><i>The five year housing land supply calculation has been modified to reflect this recommendation and establishes an updated deliverable housing land supply position of 10.63 years at base date 31 March 2022.</i></p> <p>Reword final paragraph on Page 35 when relocated to read:</p> <p><i>“Consequently , the Council considers that the most appropriate figure to use in assessing housing land supply is the local housing need figure of 279 dwellings per annum and not the Core Strategy Policy 4(a) figure.</i></p> <p><i>The housing allocations in Barton (make an appropriate contribution to meeting the identified housing needs in both Council areas (Preston City and Wyre) and as such the BNP does not propose any housing site allocations. Instead, through Policy BNDP05, it will support the</i></p>

	<i>development of small sites within the settlement boundaries which are close to and can be served by infrastructure and facilities.”</i>
8J	Insert a new Background / Justification following Policy BNDP05 incorporating the content of page 36: See Appendix 3
8K	Provide updated housing site details in Appendix 1

6.57 With these modifications Basic Conditions a) and e) would be met and as focusing of housing development on smaller sites within the settlement well served by infrastructure and facilities is likely to contribute to achieving more sustainable development, Basic Condition d) would also be met.

Policy BNDP06 – Areas of Separation

- 6.58 Policy BNDP06 seeks to ensure that the open undeveloped areas that separate Barton from Bilsborrow to the north and Broughton to the south are retained. The NPPF at section 12 seeking to achieve well-designed places makes it clear at paragraph 130d) that it is important to establish and maintain a clear sense of place. Barton’s sense of place is as a rural settlement which has grown up around its position along a major transport corridor resulting in a long linear settlement. The danger of that is that it has been and is still susceptible to pressure to extend further along that corridor. This, in the opinion of BPC and the community, has reached the point where any further development would result in the coalescence of Barton and Bilsborrow to the north and Barton and Broughton to the south. It was clear to me on my site inspections in the area north and south of Barton that the undeveloped breaks between the village and Bilsborrow to the north and Broughton to the south were important in establishing the separate character and identity of Barton as an independent rural settlement and that Barton’s sense of place would not be well served by allowing coalescence. In that respect the policy has regard to the NPPF.
- 6.59 Policy EN1 of the PLP seeks to restrict development in open countryside other than in the specific circumstances allowed for within national policy. It goes further in Policy EN4 in specific areas under pressure around Preston to reinforce this by identifying Areas of Separation. However, the PLP does not identify such areas in respect of Barton.
- 6.60 PWP Planning on behalf of Seddon Homes Ltd in their Reg 16 representation object to Policy BNDP06 amongst other things on the grounds that it deals with a strategic matter and conflicts with and undermines the strategic policies of the PLP. They also argue that it is unnecessary as it duplicates the control afforded by the development limits and PLP Policy EN1 and if areas are to be drawn they should not be so tightly drawn on the boundaries of the villages.

- 6.61 Dealing with the first point re whether this is a strategic matter, I accept that the response from PCC in Appendix 1 indicates that the Council considers it is strategic. However, for two reasons I am not persuaded that, in this case, the policy is genuinely strategic or that it undermines the strategic policies of the PLP. First, it is not dealing with the genuinely strategic matter of the Preston urban edge and the areas of separation between Broughton and Preston and Grimsargh and Preston which presumably are most under pressure. Moreover, the locational strategy for the area as set out in the CLCS Policy 1 is clearly to establish a hierarchy of settlements within the Central Lancashire area based on size, accessibility, and range of services available. Villages appear at the bottom of this hierarchy as they are often small, are not situated in the most sustainable locations and cannot offer a wide range of services to residents. Beyond these settlements the strategic policy approach is again clear as set out in PLP Policy EN1 which expressly states that outside development limits the countryside and settlement settings will be protected. The more specific strategy for individual settlements like Barton in Policy AD1b) is for small scale development **within** boundaries. The strategic intention of both the CLCS and the PLP is therefore clearly to restrict development to within smaller villages maintaining their identities. The areas of separation identified do not directly impact on Wyre Council's area but in any event the strategic context set out in the Wyre Local Plan at Policies SP1 setting out the development strategy and SP4 regarding development outside the settlements are similar to Preston's.
- 6.62 In this policy context the decision that the BNP should maintain Areas of Separation between individual settlements complements the strategic policy intentions and does not undermine the strategic policies in the Local Plans. This is further reinforced by the fact that the proposal in BNDP06 is not for large swathes of land. The areas have been significantly reduced since the earlier versions of the plan and are now local in scale and contained. I am satisfied that Policy BNDP06 is in general conformity with the Local Plans.
- 6.63 Regarding the second point, I accept that the development limits set in the Local Plans, already restrict development to that within the settlement other than in respect of rural exception sites and other categories of development acceptable in the countryside as set out in Policy EN1. However, the purpose of Policy BNDP06 approaches the matter of development outside the boundaries in terms of ensuring any development in these Areas of Separation would not adversely impact on the character of the open landscape between Barton and its neighbouring settlements to north and south. The policy is not worded as an outright stop on development but requires any development permitted to avoid an increase in coalescence. It is therefore complementary to Policy EN1 and is not simply repetitious.
- 6.64 Although Seddon Homes Ltd ask for the areas of separation, if they are retained, not to be tightly drawn it was clear from my site inspection this is already the case. In the north there is a triangle of undeveloped land immediately north of the village hall bounded by the west coast mainline and the A6 which is not included. This is a contained area with some development on the west side of the A6 opposite and has

in the past been proposed and supported for the development of employment units although the application was subsequently withdrawn. To the south of Barton the area of separation excludes an area south of Station Lane and west of the A6, backing onto the playing fields, for development. I did raise the question with BPC regarding the area to the east of the A6 south of Barton as to why this had not been included in the area of separation. However, it was considered that the physical and topographical constraints of Barton Brook and Black Fir Wood mean that any linear extension south along the east side of the A6 at this point would be problematic and development would be unlikely.

- 6.65 Considered as a whole I am satisfied that the principle of policy BNDP06 is acceptable. There are just two further matters to deal with. Firstly, the second paragraph to the policy at present is not clear and unambiguous. It is not clear whether it relates to any development outside settlement boundaries or just in the Areas of Separation. I assume it is intended to be the latter but if not then it should also refer to Wyre Local Plan Policies. In any event if it is intended to just refer to the Areas of Separation the wording needs to make this clear. Secondly, it needs to be clear from the supporting text why the Areas of Separation are established and the open character it seeks to protect to prevent settlement coalescence. I am not entirely satisfied that this is clear from the text on page 37 and this should be developed and expanded. Specifically, the rationale for the northern and southern areas needs to be made clearer. Using the response from the Parish Council to the examiner’s question on this subject – see Appendix 1 - I recommend that the text is modified and expanded as below.
- 6.66 United Utilities in its regulation 16 representation argues that the Area of Separation policy should allow for the possibility of development within it relating to the Barton Wastewater Treatment Facility (WWTF). However, whilst the original proposed Area of Separation included the WWTF this is no longer the case and the Area of Separation in the submission version of the BNP is restricted to the east of the West Coast Mainline and therefore does not affect the WWTF. No modification to the policy is required.

Recommendation 9	
9A	<p>Ensure that the second paragraph of Policy BNDP06 is clear. Assuming it relates only to the Areas of Separation, insert after the word ‘boundary’ in line 1 the words:</p> <p><i>“and within an Area of Separation will also need”</i></p>
9B	<p>Delete paragraphs 2 and 3 of the Background Justification to Policy BNDP06 on Page 37 and replace with new and revised supporting text after the first paragraph to read :</p> <p><i>“The nature of Barton as a linear village means that the pressures for</i></p>

development are largely to the north and to the south. The Parish Council and the community are concerned that these pressures if continued will result in further change to Barton's character and erosion of its sense of place and inevitably, if unchecked, result in the coalescence of 3 villages and the loss of countryside setting between each of them.

Whilst the BNP Steering Group are well aware of the existing Preston Local Plan Policy EN1 controlling development in the countryside it is considered that a complementary policy is required relative to Barton which will work with Policy EN1 to specifically safeguard against coalescence between Barton and Broughton to the south and Barton and Bilsborrow to the north.

The policy applies to a northern and southern Area of Separation. The original proposed Areas have been subject to several changes over the course of preparing the Plan.

Replace the text relating to the Northern and Southern areas with the following:

“Northern Area

At the pre-submission draft stage of the plan the Northern Area of Separation extended from the M6 in the east across to the A6. However, as a result of consultation and the fact that the area between the M6 and the West Coast mainline was considered to be largely landlocked it was considered appropriate to reduce the area further, focussing on the land from the A6 east to the line of the West Coast Mainline as the area where development would most likely result in coalescence with Bilsborrow and a consequent erosion of the character of Barton as an independent settlement in its countryside setting.”

Southern Area

At the Pre-Submission Draft stage of the Plan the southern Area of Separation extended across the southern boundary of the neighbourhood area east and west of the A6 and as far east as the M6. As a result of consultation it was considered appropriate to further reduce the southern area given that a large section east of the A6 was occupied by Barton Hall. The protection afforded by the Area of Separation could limit the potential for Barton Hall's expansion as an existing employment site and prevent it from growing and developing as a local business which would be contrary to the objectives of the neighbourhood plan. As the topography and physical features of Barton Brook and Black Fir Wood constrain the land immediately east of the A6 it was decided to limit the Area of Separation to the west side of the A6 where again development

<i>was more likely to result in further coalescence with Broughton.”</i>

6.67 With these modifications and for the reasons above the Policy would meet Basic Conditions a) and e) and, inasmuch as maintaining local distinctiveness and a sense of place are important attributes of a sustainable settlement, the policy contributes to sustainability and Basic Condition d) is also met.

Policy BNDP07 – Supporting Businesses

6.68 Policy BNDP07 seeks to support the development and expansion of existing businesses subject to criteria and has regard to section 6 of the NPPF seeking to build a strong competitive economy and encouraging sustainable economic growth. The policy sets clear criteria to assess proposals against, which is in line with paragraph 82 of the NPPF.

6.69 The policy is in general conformity with Policy 13 of the CLCS on employment which encourages appropriate growth of rural businesses. Although the Preston Local Plan does not have a specific policy promoting the rural economy it adopts strategic objective 13 from the CLCS “*To sustain and encourage appropriate growth for rural businesses, taking into account the characteristics of the urban fringe and wider countryside*” which Policy BNDP07 is in conformity with. It is also in conformity with the general policy AD1b) of the PLP supporting small scale development within existing villages where criteria are met.

With regard to Wyre Local Plan, Policy EP8 which looks to support and diversify the rural economy is also furthered by Policy BNDP07 although the opportunities where the policy will apply within the Wyre Council area are geographically limited.

6.70 The policy, in encouraging local employment opportunities that allow people to live and work locally, is likely to contribute to sustainable living. The policy in principle therefore meets Basic Conditions a), d) and e).

6.71 As with a number of the policies however in the BNP there are 5 areas where the Policy and its supporting text do not represent clear and unambiguous direction.

- First, the policy only relates to existing businesses and not to new investment. This leaves a developer looking to develop accommodation for a new business unclear as to whether the policy will apply. This point was taken up with BPC in the examiner’s clarifying questions at Appendix 1 and it is clear from the Parish Council’s response that the intention was that the policy should also cover new business investment. Accordingly, this needs to be reflected.

- Secondly, the structure of the policy is not entirely clear in that paragraph 1 does not relate to the criteria which follow. It needs to be made clear that the development must conform to national and local policy and the criteria which follow.

- Thirdly, the policy at b) by introducing the word ‘unreasonable’ results in uncertainty. It is enough to simply say the development should not have a detrimental impact on the amenity of neighbouring uses.
- Fourthly, as with other policies the supporting text needs to be pointed up to make clear the purpose of the policy.
- Finally, the sub heading ‘Non-NDP Policies’ in the background justification simply adds confusion. What follows is not a policy and if the proposal was clarified further it could remain at the end of the supporting text with no subheading. As it stands it leaves the reader unclear about the intention.

6.72 The National Farmers Union in its Regulation 16 representation makes the point that BNDP07 should also specifically support business investment in agricultural enterprise, diversification and renewables. The policy in the general way it is worded would support business investment in these areas anyway and I do not consider the omission of a specific reference raises any issues in respect of Basic Conditions. However, given that the neighbourhood area is within an agricultural area where farming business is important, the Councils may decide an addition to the first part of the policy could be made as requested.

6.73 United Utilities in its Regulation 16 representation makes a similar point that the policy should allow for water infrastructure developments where they are needed to respond to future growth and environmental needs. However, Policy BNDP07 is not really dealing with infrastructure as such but, if it was a case of a development at the WWTF, as this would be treated as an existing business, development there would also be supported, subject to the criteria being met. I am not therefore persuaded any further modification to the Policy is required.

Recommendation 10	
10A	Add after the word ‘businesses’ in line 1 of Policy BNDP07 the words: “and new business development”
10B	Add after the word ‘policies’ in line 3 of Policy BNDP07 the words: “and specifically:”
10C	Reword criterion b) to read: “Does not have a detrimental impact.....uses”
10D	Add at the end of the paragraph of the supporting text starting ‘Supporting the future...’ the following sentence: “Policy BNDP07 sets out the basis on which development will be acceptable and in particular the need for workable access arrangements, that the relationship to neighbouring uses has been carefully considered and that the scale and design reflects the

	<i>surrounding context.”</i>
10E	<p>Delete the heading ‘Non-NDP Policies’ and the sentence following and replace with the following text:</p> <p><i>“To assist in supporting new and existing businesses in the neighbourhood area Barton Parish Council proposes to set up a register of businesses within a Barton Community Hub to allow greater visibility to business and the local economy and provide networking potential in the neighbourhood area”.</i></p>

6.74 As modified above the Policy would meet the Basic Conditions.

Section 8 – Monitoring and Review.

6.75 Section 8 of the plan sets out BPC’s intentions in respect to monitoring the BNP and its review. Although this is a largely factual statement there is one area that requires amendment to ensure the text is accurate.

6.76 The section’s reference to updating the neighbourhood plan gives the impression that it is a simple matter of deciding to update. This is somewhat misleading as reviews, depending on the circumstances can be quite complicated and follow different procedural routes. The text should therefore refer to the fact that there are procedures relating to review that will need to be followed.

6.77 Making this modification will ensure this section of the Plan meets Basic Condition a).

Recommendation 11	
11A	<p>Add new sentence at the end of Section 8’s text to read:</p> <p><i>“In carrying out any review of the neighbourhood plan Barton Parish Council will follow the regulations and advice relating to the review of neighbourhood plans applicable at the time”.</i></p>

7 Other Matters

Other Housing Proposals Put Forward in Regulation 16 Representations

7.1 A representation from PWA Planning on behalf of Seddon Homes Ltd at the Regulation 16 stage raised concerns over Policies BNDP05 and BNDP06 as discussed above. Specifically, the objection was that the policies as drafted would preclude Seddon Homes bringing forward an additional site for development which

lies immediately south of Bilsborrow at the northern end of the neighbourhood area. They propose that the site could accommodate around 100 homes and open space and would be a logical and sustainable location for housing and it makes sense for it to come forward. Seddon Homes argue that in order to deliver affordable housing for Barton Parish larger sites than would be deliverable under Policy BNDP05 are required to enable cross subsidy.

- 7.2 However, there are a number of reasons why the site's development would be inappropriate at this time.
- 7.3 Firstly, as confirmed by PCC and WBC in their answers to clarifying questions in Appendix 1 there is no housing shortfall in the neighbourhood area and indeed housing delivery is occurring at a rate substantially above target in both Preston and Wyre Council areas. There is therefore no need for this scale of site to be released at this time.
- 7.4 Secondly, even if there was no longer a 5 year housing supply in the area, this site would fail the tests for development set out in Policy EN1 of the PLP and specifically Policy HS5 (Rural Exceptions Housing) as there is no suggestion by Seddon Homes that the development would fulfil the exceptions policy criteria.
- 7.5 Finally, even if it was the ultimate intention of Seddon Homes to see this site brought forward through the BNP exclusively for affordable housing as an exceptions site it would be procedurally impossible at this stage to recommend the allocation of additional sites. To do so would require the current BNP to be withdrawn and revised proposals, (as well as probably a Strategic Environmental Assessment Report and Appropriate Assessment given the scale of site), being taken back through pre-submission consultation. As there is no other reason to warrant this course of action it would be entirely unjustified.
- 7.6 I have recommended above a number of modifications to both Policies BNDP05 and BNDP06 and their supporting texts to ensure there is no issue with respect to the Basic Conditions and no other changes in response to Seddon Homes' representations regarding this site are necessary.
- 7.7 Story Homes in their Regulation 16 representation also promote development north of Jepps Lane (a site which has already been refused permission and dismissed on appeal). However, Story Homes do not actively seek the allocation of the land instead pointing out that development there could help to deliver many of the policy objectives of the BNP. Their points are noted but it will be for the Local Planning Authority to consider any future proposal in the context of the BNP and PLP.

United Utilities – Ground Water Protection

- 7.8 United Utilities in its Regulation 16 representations suggest that as the Barton area is in Groundwater Protection Zone 2 and 3 that an additional Policy BNDP08 should

be added stating:

“Development proposals must accord with the latest national guidance on Groundwater Protection. Where necessary, applicants will be required to undertake a risk assessment (quantitative and qualitative) of the impact on the groundwater environment and public water supply. Development will only be acceptable where it is demonstrated to the Local Planning Authority that there will be no unacceptable impact on the groundwater environment and public water supply”.

- 7.9 I acknowledge that there is not a groundwater protection policy in either the CLCS or the PLP and to that extent the BNP would not be duplicating policy coverage already in existing plans. However, as above there is a procedural difficulty in introducing a new policy into the BNP at this stage. To do so would require the plan to go back to the pre-submission stage to repeat the main consultation stage, at least in respect of this policy.
- 7.10 To some extent at least the topic is covered by national planning policy in the NPPF particularly at paragraph 174. I have considered whether an additional clause could be added to Policy BNDP04 but as this primarily deals with drainage and water management it is not the right context for a ground water protection policy.
- 7.11 In conclusion my recommendation would be for BPC to pick up this matter in a first review of the neighbourhood plan if by that point there is still no groundwater protection policy at a strategic level and evidence at that stage warrants it.

Ministry of Defence – BAE Warton Safeguarding.

- 7.12 The MOD in its representation is keen to ensure that the BNP sets out that there is a requirement to consult in respect of development in the safeguarding zone for BAE Warton to ensure operations are not compromised. Whilst this is noted this will already be a development management requirement of the Local Planning Authorities involved and it does not need to be specifically referenced in the BNP. There is therefore no need to modify the plan.

Typographical and Formatting Corrections

- 7.13 There are a significant number of typographical/grammatical errors in the Plan which ought to be corrected. In addition to proposing modifications to ensure the Plan meets the Basic Conditions the only other area of amendment that is open to me, as the examiner, is to correct such errors. I have identified these in Appendix 2, and, in modifying the Plan as set out above and finalising it for the referendum, these typographical amendments should be made.

Recommendation 12

12A	Make typographical and grammatical corrections as set out in Appendix 2 at the end of this report.
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8. Referendum

- 8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Barton Neighbourhood Development Plan should proceed to a referendum.
- 8.2 I am required to consider whether the Referendum Area should be synonymous with the Neighbourhood Area or extended beyond it.
- 8.3 The Neighbourhood Area covers the administrative area of Barton Parish Council and part of the adjacent Myerscough and Bilsborrow Parish. Although there is an amount of development allocated in the WLP for the western edge of Barton between the A6 and the West Coast Mainline within Myerscough and Bilsborrow Parish, the BNP policies and proposals themselves will not affect the rest of that Parish (beyond the Neighbourhood Area) to any significant degree. I therefore do not consider that extension of the referendum area beyond the Neighbourhood Area would be warranted.
- 8.4 Accordingly, I consider that it is unnecessary to recommend any other Referendum Area than the Neighbourhood Area and no representations have been submitted seeking an alternative approach.

Recommendation 13

13A	I recommend to Preston City Council in association with Wyre Council that the Barton Neighbourhood Plan, modified as specified above, should proceed to a referendum based on the Barton Neighbourhood Area as approved by Preston City Council and Wyre Council on 8 September 2017.
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Peter D Biggers BSc Hons MRTPI - Independent Examiner – 7 June 2023

Appendix 1 - Examiner's Clarifying Questions and Information Requests put to Barton Parish Council and Preston City Council and Wyre Borough Council

Questions and Information Requests to Parish Council (March 2023)

Question PC1:

The Consultation Statement is required under the Neighbourhood Planning Regulations at Regulation 15 to include a list of consultees to whom the Regulation 14 draft plan has been sent. In the version of the Consultation Statement sent to me and available online such a listing is not present and therefore Regulation 15 is not wholly met. Please can you provide a replacement Consultation Statement that includes a full list of all the bodies consulted other than households and businesses in the neighbourhood area. This should be sent to me and uploaded to the Councils' websites once it has been prepared and the current consultation statement removed.

BPC Response

Consultation Statement amended and dated April 2023. (Revised statement has been added to the Council website).

Question PC2

Re Local Green Space – I was not clear why the informal sports pitches in LGS 1 were not included in the LGS and only the formal sports facilities of tennis courts and bowling green were included. Please explain the rationale.

BPC Response

There are football nets on the land to the east of the village hall, but these have only ever been used on an informal basis. When they were included as part of the Reg 14 consultation, comments were received from the farm (owners of the land) located to the south east of the village hall whom did not want the land to formally allocated. For this reason, the area was taken out and just the bowling green and tennis courts remain.

Question PC3

In BNDP03 – Part 1 lines 3 and 4 - Should it read “improve facilities” or “improve and facilitate”? Current wording is not clear – appears to be a typo.

BPC Response

*Wording should state – “By incorporating measures that **improve facilities and infrastructure such as bus stops, signage and cycle storage for all users**”*

Question PC4

In BNDP05 First paragraph - Please clarify what is meant by the last sentence.

BPC Response

Refer to Fig 2 page 7, Wyre has 3 housing allocations shaded in yellow, a green square which is open countryside and the other pockets which are shown as white are all located within the settlement boundary for Wyre and can therefore come forward for housing

Wyre Council note in response to this question that it is for the Parish to confirm. However, having read the Examiner's questions (and the Parish's response) we would not support wording saying "all land within the section of the NDP in Wyre" as the southern field in Wyre Borough is open countryside (as designated under Wyre Local Plan - Policy SP4 Countryside Area), it is not allocated for housing or in the settlement boundary. (Wyre Council go on to suggest amended wording which has been reflected in Section 6 above.)

Plus in section g) – is "have equal measures for footprint" intended to mean "make equal provision for"?

BPC Response

Remove the words 'measures for'

Question PC5

The last paragraph on Page 35 needs to stipulate the figure being referred to.

Also the Parish is invited to submit a new justification for Policy BNDP05. At present the supporting text just relates to the quantity of housing it does not justify the content of Policy BNDP05.

BPC Response

PCC to check the figure 'local housing need figure'. The PC have struggled to get a specific number for Barton. It would be useful to have some comments from ARC4 who have carried out the Housing Need and Demand Assessment 2022. It would appear that there is demand for 9 affordable units refer to C17 table below. The PC presumes this is an annual figure?

The NP recognises the need for future land for housing and that any growth should be sustainable in a manner that complements Barton. Too much development pressure will put pressure on existing services and infrastructure.

Further detail regarding policy justification is provided in Appendix 3 below

Question PC6

Regarding BNDP06 – again the supporting text needs more justification as to what these areas achieve and why protection is important. This is important in part if the representation from Seddon Homes re the northern area of separation is to be rebutted.

Regarding the Northern Area it was not clear on site why the area of separation did not start from where the WCML crosses the A6. Please explain.

Regarding the comment on Page 37 about the southern area of separation, it is not clear why the section to the east of the A6 was removed or what the relevance of Barton Hall is in this respect. On site it appeared as though the area east of the A6 could be as important to include in the area of separation as that to the west. Please explain.

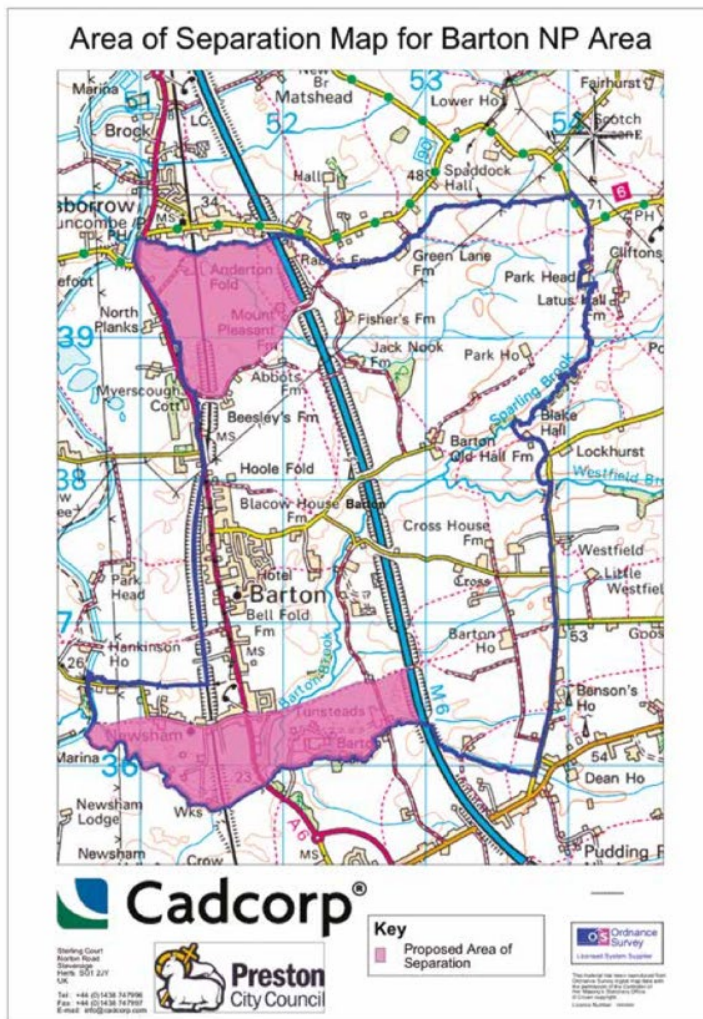
BPC Response

The importance of Areas of Separation for the NP:

- Separation from the linear settlement of Barton before getting to Bilsborrow to the north and when travelling from the south leaving Broughton
- Felt an important local need to maintain some levels of rural character
- If allowed, considered that development to the northern and southern boundaries will be to the detriment of the rural character of Barton

Areas of Separation suggested as part of Reg 14

Figure 8. Area of Separation Plan



Following comments received as part of the Reg 14 consultation the areas were reduced in size:

North – to Bilsborrow

-large areas considered to be 'land locked' by the motorway and the railway line as per google image (supplied)

- the area of land to the north of the railway bridge was not included as there was a planning application which was being considered at the time planning ref 06/2019/1339

which was withdrawn but the Parish Council was happy to support

- edge of the settlement with Wyre and cross boundary issues (see earlier comments from Wyre on the refused application 06/2020/1087

-contrary to policy SP1 of Wyre's LP and note that Bilsborrow is classed as a 'main rural settlement'

-limited suite of services to support such a large development

-settlement boundary of Wyre is clearly defined, and there is a strong distinction between settlement and the wider countryside

-consider it important that the rural character is maintained and the loss of this site to major development will reduce the separation between Bilsborrow and Barton to the detriment of the rural character

South

- The original area was much larger crossing both the east and west of the A6*
- Following comments from Barton Hall which is summary stated that; Barton Hall is an existing employment site and there are proposals to redevelop it for the same use. The site's inclusion within the boundary of an Area of Separation would limit the potential for its expansion as an existing employment site and prevent it from growing and developing as a local business, which be contrary to Objective 4 of the Plan.*

Question PC7

Is BNDP07 intended to also refer to new business investment? Otherwise how would this be assessed?

BPC Response

Yes, add in the word 'new'

Question PC8

There is reference in the NDP to the existence of a *Planning Policy Background and Evidence Base Review* document. Does this exist and if so can the examiner be provided with a copy?

BPC Response

BPC Will supply this (Now received and uploaded to the PCC website)

Question PC9

In view of the Reg 16 representations and in the interests of fairness in the process I will accept a response from the Parish to the detailed representations made by PWA Planning on behalf of Seddon Homes and to the more significant representations made by Wyre Council some of which are picked up in the above questions.

BPC Response (Paragraph references relate to Seddon Homes Representation)

1.4 – Site is not considered to be a ‘logical location for new housing’. Please refer to the officer report and refusal in 06/2020/1087. Barton has already met its affordable housing requirements and it is not considered that the 30 affordable homes which were proposed were required.

1.7 – There is already an abundance of open space.

1.8 – Break down of the completed affordable homes in Barton (PCC to provide).

1.11 – There is no requirement for NP’s to allocate any sites whether this is housing or commercial. Policy 05 does make provision and supports housing within the NP area which is within the defined development boundary. The site proposed by Seddon is not. The policy states that ‘new housing outside of development boundary will only be permitted for small scale affordable rural exception housing.’ The proposed 100 homes is not considered to be small scale, indeed it would be classed as major new housing development.

1.12 – Whilst the site is located within PCC, given the close relationship to Bilsborrow, detailed comments were made from Wyre BC to app 06/2020/1087 which can be supplied. WBC objected to the application on the basis that Bilsborrow is classified as a ‘main rural settlement’, has a limited suite of services to support such a large number of new homes and provides an established break in development from the village to the wider area.

1.18 – It is not considered the site is a ‘logical’ location as discussed above.

1.19 – Whilst Wyre are carrying out a call for sites (in the review of the Local Plan) it remains the case that Bilsborrow is a ‘main rural settlement’ where limited development is proposed with a focus on the larger towns and settlements within Wyre.

1.24 – The site is not within Wyre and it is not considered that it would be premature for the NP to progress. The NP has been in production since 2019 and has been through several rounds of consultation.

Subsequent to the preparation of these questions an additional question was put to the Parish Council in respect of the plan title.

Question PC10

Could the Parish Council tell me how they would like the plan referred to given the variety and range of titles used “ Barton Village Neighbourhood Plan / Barton Neighbourhood Development plan / Barton Neighbourhood Plan etc.

BPC Response

BPC would prefer the plan title to be the Barton Neighbourhood Plan.

Questions to Wyre Borough Council

Question WBC1:

What is the current updated position regarding the Local Plan Partial Review spelt out on Page 34 and in the Reg 16 representations?

Since the production of the BNP Submission Version Regulation 15 November 2022 the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms part of the development plan for Wyre. The proposed wording in the second, third and fourth paragraphs on Page 34 of the BDNP therefore need to be updated to reflect this. We would also confirm that the Wyre council's five year land supply wording on Page 34 also needs to be updated to reflect the latest position. We would suggest the following wording is included to read:

In April 2022 the council submitted the Partial Review of the Wyre Local Plan (2011-2031) to the Planning Inspectorate. One of the objectives of the review was to meet the full Objectively Assessed Housing Needs (OAHN) of the borough.

The Inspector considered all the evidence presented to the examination and in respect of housing supply concluded that to ensure the Plan is positively prepared and consistent with national policy, a backdated requirement of 479 dwellings per annum should be factored into the housing requirement calculations between 2011 and 2018/19 and the standard method figure of 296 dwellings per annum employed from 2019/20 onwards.

The five year housing land supply calculation has been modified to reflect this recommendation and establishes an updated deliverable housing land supply position of 10.63 years at base date 31 March 2022.

Questions for Both Local Planning Authorities

Question WBC/PCC1

Do the two local planning authorities share Seddon Homes view that Areas of Separation should be a strategic matter and not for NDPs **or** do you consider that, as Barton was not identified in the local plans as a settlement where Areas of Separation might have a role to play, it was reasonable for Barton NDP to identify AoS as a matter of local concern?

PCC Response:

At Regulation 14 consultation PCC made the following comments to the Parish:

<i>Policy 07</i>	<i>BDNP</i>	<i>'Area of Separation – this policy which is outside defined 'area of separation' defined in Preston Local Plan. It's hard to justify and give weight to any greater protection than policy EN1.' [Preston Local Plan 2012-26 Policy EN1 - Development in the Open Countryside].</i>
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The Parish's response to comments made by PCC at Regulation 14 consultation is as follows:

'Areas have been reduced in size, considered to be important to those living in the Parish to further safeguard against development pressures from the north and south of the NDP boundaries.'

Since the Regulation 14 consultation, AoS is not a topic the council has had discussions about with the Parish. The council acknowledged this is a topic we should have raised again in our Regulation 16 response. The Councils feel it would be more appropriate to deal with changes to the adopted AoS as a strategic matter, through the local plan process. As Preston are currently reviewing the local plan, we commissioned Land Use Consultants (LUC) to undertake an assessment of AoS, the findings of which were published in December alongside the Preferred Options Part 1 Consultation. The Councils propose to use LUC work as an evidence base for considering any changes to the current approach and areas identified in the extant plan, and feel this is for the Council to consider, rather than the NDPs.

The LUC Open Land Designations Study 2022 evidence base is linked below:

- [*Open Land Designations Study Landscape Assessment – December 2022*](#)
- [*Appendix A – Landscape Value Assessment*](#)
- [*Appendix B - Settlement Setting Assessment*](#)
- [*Appendix C - Areas of Separation Assessment*](#)

The Parish may not have referred to this piece of work as due to its recent completion and publication meaning it was unlikely to have been available at the time they prepared the NDP.

WBC Response

Wyre Council responded that it has advised Preston City Council that we believe this is a matter for Preston to answer rather than for Wyre as none of the Areas of Separation shown in the BDNP affect the land within Wyre Council's remit. Wyre designated its areas of separation through its Local Plan process.

Note – As I continue the examination I may have additional questions of clarification and these will be forwarded on.

P. D. Biggers

Independent Examiner

March 2023

Appendix 2 - Recommendation 12 - Typographical & Factual Corrections		
Page	Location	Correction
3 and 4	Foreword Title	Correct the spelling of 'Foreward' to " <i>Foreword</i> ".
3	Para 1 Line 1	In the context of what follows in the first sentence the word 'parish' should be replaced with the word "village". Reason – factual correction.
4	Para 1 Lines 1-2 Para 2 line 3	Replace the word 'of' at the end of line 1 with the word "for". Change the abbreviation 'NP' to " <i>neighbourhood area</i> ". Reason - for factual clarity. Delete the apostrophe in the word 'Council's' Reason - to make grammatical sense.
5	Para 2 Line 5 Para 3 Line 1 Para 5 Line 1	Delete the apostrophe in the word 'Council's'. Reason - to make grammatical sense Insert superscript figure 1 after the word 'households' to cross reference to the source footnote. Delete the word 'Parish' and replace with the words "Neighbourhood Area"
10	Barton Climate Change Para 1 Line 2 Para 1 line 3 Para 3 Last line Para 4 Line 1	Delete the apostrophe in the word 'Council's'. Add the word "is" after the word 'Wyre'. Replace last line to read "to use nationally recognised housing quality standards through Policy BNDP05". Remove the apostrophe in the word 'Council's' and remove the letter 's' from the word 'updates'. Reason for all – to make grammatical sense.
12	Para 1 Line 1 and Para 2 Line 1	Replace the word 'scoping' with the word ' <i>screening</i> '. Reason -factual correction.
12	Last para	Delete the bracketed section. Reason – for clarity
13	2 nd Bullet Point Line 3 3 rd Bullet Point Line 1	Correct the word 'chnage' to read " <i>change</i> ". Reason – incorrect spelling used. Delete the word 'though' and replace with the word "through". Reason – to correct the spelling.
14	Title Block	Delete the words '5. Vision and Objectives' and replace with the words " <i>6. Planning Policy Context</i> ". Reason – wrong heading used for text below.
17-40	All title blocks	Delete the word 'draft' from the title block. Reason - These policies are no longer draft they are the policies of the plan.

18	Policy BNDP01	Correct policy reference to “BNDP01”. Reason – Incorrect reference number given.
19	Para 1 Line 4	Correct reference to ‘Figure 2’ – should be “Figure 3”. Reason – Incorrect reference number given.
27	Para 2 Line 2	Delete the letter ‘s’ from the word ‘cycles’ at the end of the line . Reason – to make grammatical sense..
29	Policy BNDP04 b) Line 4 Policy BNDP04 d), e) and f) Line 1	Replace the word ‘placing’ with the word “place”. – Reason - to make grammatical sense. Insert a capital letter at the start of the clause. Reason – for consistency with rest of policy.
32	Policy BNDP05 clauses a) to l) Clause g) Line 1 Clause h) Line 1	Need for consistency in starting the clause with a capital letter and ending it with a semi colon except for a full stop after clause l) The correct phrase is “pepper-potted” Delete the word ‘for’ after the word ‘encourage’ Reasons for consistency and to make grammatical sense
34	Para 1 Line 2 Para 2 Line 1 Para 7 Line 1 Para 7 Line 3	Insert the words “from Wyre” after the word ‘policies’. Replace the words ‘submission document’ with the words “BNP” Delete the word ‘and’ after the words ‘Barton HS1’ Delete the words ‘refer to list’ and brackets . Replace with the words “are set out” Reason – for clarity, spelling and grammatical sense.
38	Figure 8 – Areas of Separation Plan	Amend key block as the notations are the wrong way round. Reason – for clarity
44	Glossary – Development Plan Line 2 and 3	Replace the reference to ‘Wyre Local Plan’ with: “Wyre Local Plan (2011-31) (incorporating partial update of 2022)” Replace the word ‘it’ in Line 3 with the word “these”. Reason – factual correction and to make grammatical sense.
45	Glossary Local Lead Flood Authority Line 1	Add letter ‘s’ after the words ‘prepare’ and ‘maintain’ Reason - to make grammatical sense.
45	Glossary – Local Planning Authority Line 3	Delete last sentence and replace with: For Barton this is Preston City Council and Wyre Borough Council. Reason – incorrect names inserted.
45	Glossary – Neighbourhood Development Plan Line 1	Delete the word ‘local’. Reason – to avoid confusion as a neighbourhood plan is different to a local plan.
46	Glossary – Sustainability appraisal Line 1	Replace the word ‘environment’ with the word “ <i>environmental</i> ”. Reason - to make grammatical sense.

46	Glossary Urban Creep line 1	Insert a space between the words 'of' and 'roads' at the end of the line. Reason to make grammatical sense.
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Appendix 3 Replacement Supporting Text to Policy BNDP05 on Page 36

Background / Justification

Paragraph 126 of the NPPF is clear in the Government's aim to create 'high quality, beautiful and sustainable buildings and spaces'. This is echoed in local plan policies at PCC Local Plan (EN9 Design of New Development) and Central Lancashire Core Strategy (Design Guide SPD and policy 17 Design of New Buildings). The relevant policies in the Wyre Local Plan being CDMP3 Design. Whilst this suite of policies supports and champions good design, it was important for the BNP to contain policy direction of its own, especially the importance of designing new homes that respect its rural character.

Early consultation on the BNP raised concerns over the volume and speed of traffic through the village. This informed one of the key objectives of the BNP with the enhancement of transport links with safe traffic management and connectivity through the village. As the village is linear in nature, the parish needs safe and accessible pedestrian links through and out of the new housing developments. See linking Policy BNP 03 Active Travel.

Barton is a rural village and whilst the majority of housing is concentrated on and off the A6, there is a strong connection to the surrounding open countryside. The NP designated area lies within National Character Areas (NCA) 32 and 33. NCA 32 marks the Lancashire and Amounderness Plain which stretches east to Morcombe Bay. This area consists of low lying landscape types, lowland farming and productive coastal plains in contrast to NCA 33 Bowland Fringe and Pendle Hill. Glimpses of the Bowland Fells can be viewed from the NP area from locations such as Jepps Lane, and serves as a reminder of the wider rural landscape and the importance this has to Barton.

An appropriate level of new housing in the form of smaller windfall sites is important for the village. This needs to be balanced with the resources to public providers of infrastructure which are already under pressure and it is important that the most effective use is made of those resources available. For example, earlier consultation responses identified a lack of a convenience store as being a weakness and access to medical facilities.

Paragraph 45 of *National Planning Practice Guidance* allows neighbourhood plans the scope to consider what infrastructure needs to be provided in their neighbourhood area. This element of Policy BNP 05 seeks to ensure that where additional infrastructure is needed to enable sustainable development to take place in Barton, it is identified and incorporated in proposals. To meet current and future emerging demands, the Parish Council, working with PCC and WBC and other partners, are keen to ensure that there is a strategic approach to commissioning new services and facilities for Barton. Reference will be made to PCC and WBC Infrastructure Delivery Schedules as appropriate.

New housing developments should offer a range of housing sizes, types, and tenures to meet identified local needs, including provision for vulnerable communities such as older people and people with disabilities. Developers should engage with PCC and WBC at an early stage to establish the most up to date evidence base documents regarding Housing Need and to address what is required in developing future applications.

Barton recognises the importance of not only creating a mix of type of properties but also tenures with a proportion of affordable housing where required. It is key that affordable units are located

evenly around a site (ie. not all clustered together) and should not be distinguishable from any of the market houses in terms of materials or architectural style.

There is a greater proportion of larger 3 and 4 + bedroom homes in the village, but there is a recognised older population who wish to have the option of staying within the village and being able to downsize. This was recognised in the early work on the NDP in the form of a detailed questionnaire in 2019 which reported that there should be a choice for existing residents to downsize and stay in the village.

Barton is a rural settlement, and its sense of place and character is influenced by its surrounding open countryside. Whilst the BNP recognises the need for effective use of land, it is important that the surrounding context is reflected in the design of new dwellings. For this reason it is important for the village that no development exceeds 2.5 storeys. It is considered that anything greater than this will be much too urban and would not be sensitive to and respect the rural character.

Home Quality Mark (HQM) helps house builders to demonstrate the high quality of their homes and to differentiate them in the marketplace. At the same time, it gives householders the confidence that the new homes they are choosing to buy, or rent are well designed and built, and cost effective to run. HQM are based on the latest scientific research into issues such as energy and water efficiency, effective insulation, noise reduction, lighting and air quality and the wellbeing of occupants, along with wider environmental issues such as climate change and carbon reduction.

It is important for the village that the any new housing development is sustainable and is built to the highest possible standards and it is considered that the HQM would be beneficial to future housing schemes in the village.

Sport England's Active Design focuses on increasing physical activity throughout the built and natural environment supporting physical activity and enabling people to build long term active habits and behaviours. The Design focuses on 10 key principles, and these link to local and national planning policies and are referred to in Policy BNP05.

One of the key objectives of the BNP is the promotion of health and well being within the village by encouraging greater health care provision and outdoor exercise, including sports facilities and activities for all ages. Other objectives such as enhancement of transport links and promotion of open spaces play a key role in achieving this part of the housing policy requirement. See linking policies BNP 01, 02 and 03 which all seek to improve and enhance safe connecting routes within the village.