

REPRESENTATIONS ON

BEHALF OF

YORKSHIRE LAND LTD

BARNSELY DRAFT LOCAL PLAN

January 2015

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1. Introduction

- 1.1 These representations are submitted on behalf of Yorkshire Land Ltd (“Yorkshire Land”) in relation to the Barnsley Draft Local Plan. Barnsley Metropolitan Borough Council (“The Council”) has published its Draft Local Plan (“Local Plan”) and it is out for consultation until January 11th 2014.
- 1.2 Yorkshire Land has an interest in land at Sheffield Road, Oxspring (Oxspring Fields) (“the Site”). The Site is shown on the plan attached at Appendix 1. A photograph of the Site is attached at Appendix 2. Yorkshire Land has previously submitted comprehensive representations in regard to this Site, full copies of which are attached at Appendix 3.
- 1.3 An independent sustainability and accessibility assessment (“SAA”) for the Site has been prepared jointly by Pell Frischmann and PB Planning. The SAA accompanies this representation at Appendix 4. Findings of the SAA show that the Site is highly sustainable and would enable the delivery of the mutual objectives of enhancing the economic, social and environmental characteristics of Oxspring, Penistone and the wider area as a whole.
- 1.4 The Site is in one single ownership, with a legal option to purchase and there are no insurmountable physical or environmental constraints to impede its immediate delivery.
- 1.5 The Site could accommodate 150 dwellings, with a mix of housing which will include: low density, high quality executive/family homes together with a 30% provision of affordable housing.
- 1.6 Barratt & David Wilson Homes Yorkshire West (“Barratt & David Wilson Homes”) have expressed a strong interest in developing the Site, subject to

its allocation in the Local Plan. We understand that Barratt & David Wilson Homes have written separately to you in regard to the Site, and a copy of their letter confirming their position is attached at Appendix 5. Furthermore, an indicative masterplan for the Site has been produced by JRP Consultants on behalf of Barratt & David Wilson Homes; a copy is attached at Appendix 6.

- 1.7 The submitted masterplan identifies the delivery of new homes, including affordable homes, alongside the provision of a new Country Park which has the potential to include a number of recreational facilities and access to the Trans Pennine Trail. The proposals also include the provision of funding and land to facilitate the delivery of Penistone Strategic Public Transport Interchange (a package of £1.75m) and funding towards the delivery of the desired new Community Centre/Sports Pavilion for Oxspring (£500k). Full details of the Oxspring Fields development proposals are provided in the appended reports.
- 1.8 The masterplan has also been superimposed onto the Council's Local Plan Policies Map 51 and is enclosed at Appendix 7. The plan demonstrates how the development proposals would be contained within strong, logical, defined and defensible boundaries and how the proposals would maintain the historic linear development pattern of Oxspring.
- 1.9 These representations are submitted in relation to the Local Plan policies and for the reasons set out below.

2. Yorkshire Land

- 2.1 Yorkshire Land has a proven track record in using its land and property assets to deliver low density, high value housing within the Western Parishes.
- 2.2 Yorkshire Land has been actively developing in the Penistone/Western part of the Borough for over 27 years. With an excellent knowledge of the local area, both in terms of its physical and human environment; the company is well informed to make key decisions in regards to sustainable land allocation and development.

- 2.3 Yorkshire Land is able to offer significant community benefits in respect of the Site and the wider area. We are certain there are very few other companies/sites in the western area of the Borough that can deliver equivalent benefits to a local community.

3. **Legal Context**

- 3.1 Section 20(5)(b) of the Planning and Compulsory Purchase Act 2004 requires an inspector (at an independent examination) to determine whether a Local Plan is “sound”.

4. **National Planning Policy**

Soundness

- 4.1 Crucially, Local Plans are the key to delivering sustainable development and must be prepared with this objective.
- 4.2 Paragraph 182 of the National Planning Policy Framework (“NPPF”) deals with examining Local Plans and sets out the following tests:

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- ***Positively prepared*** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- ***Justified*** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

4.3 Paragraph 158 of the NPPF refers to the use of a proportionate evidence base and states:

*“Each local planning authority should ensure that the Local Plan is **based on adequate, up-to-date and relevant evidence** about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, **and that they take full account of relevant market and economic signals**”*

4.4 In addition, we note guidance published by the Planning Advisory Service entitled ‘Soundness Self-Assessment Checklist (January 2013). This guidance, although advisory, enables the preparation of a robust Local Plan which is positively prepared, justified, effective and consistent with national policy. This guidance has been recently referred to by a number of Inspectors examining Development Plan Submissions, including; both the Leeds and Bradford Core Strategies.

General Policies

4.5 The NPPF contains a presumption in favour of sustainable development and as defined in paragraphs 6 - 10 of the NPPF, sustainable development comprises three mutually dependant dimensions: *economic, social and environmental*. Each dimension should be sought jointly and simultaneously through the planning system.

- 4.6 Paragraph 14 of the NPPF reinforces the presumption in favour of sustainable development:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- ***Local Plans should meet objectively assessed needs**, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted...”*

- 4.7 One of the Core Planning Principles contained in the NPPF at paragraph 17 is to:

“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities”

- 4.8 Paragraph 47 of the NPPF sets out that in order to boost the supply of housing, Local Planning Authorities should:

“Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period”
Our Emphasis

- 4.9 Having regard to the above policies and statutory context we do not consider that the Local Plan is sound for the following reasons.

5. **Representations to the Draft Local Plan**

Settlement Hierarchy

- 5.1 A settlement hierarchy is set out in Policy LG2 of the Local Plan. The Policy focuses development in Urban Barnsley and the Principal Towns and currently no housing allocations are proposed in any of the Western rural parishes.
- 5.2 We agree entirely that Penistone should be identified as a Principal Town; however the adjoining area of Oxspring should be included as an extension due to its strong physical relationship to Penistone. This relationship was confirmed in the Western Rural Community Area Barnsley Unitary Development Plan Inspectors Report 1997 at page 1201 (a copy of which is attached at Appendix 8).

“We consider that Oxspring is well located in the Community Area for additional housing development. This is particularly so in the light of its relationship to Penistone and the proposed allocation of land for employment development at the former Oxspring Sidings (WR8/1)”

- 5.3 In addition, Oxspring is again recognised as a highly sustainable settlement which is capable of accommodating housing growth; this is confirmed in

paragraph 4.12 of Volume 13 Western Rural Community Area UDP report (attached at Appendix 9) and states:

“ Oxspring is one of the locations in the Western Community Area for additional development because of its physical relationship to the Penistone Urban Area and because it has the infrastructure capacity to accommodate some further development without serious detriment to the quality and character of the Green Belt”

5.4 The evidence provided in the SAA establishes the contribution that the Oxspring Fields development proposals can make towards achieving the three mutually dependent dimensions of sustainable development as set out in the NPPF. A summary of the report's findings are detailed below:-

- **An economic role** – *the development proposals will deliver substantial economic investment through the delivery of the right homes in the right location and through facilitating the delivery of the infrastructure required to deliver housing growth including the Strategic Public Transport Interchange in the Principal Town of Penistone.*
- **A social role** – *the development proposals will support strong, vibrant and healthy communities by supplying the identified housing needs of the area; providing funding towards the delivery of exceptional community infrastructure projects that reflect the community's needs such as; the Strategic Public Transport Interchange, a Community Centre/Sports Pavilion and enhanced recreational facilities including a country park and public access to form a riverside walk through Oxspring Rocher (this being land in the sole ownership of Yorkshire Land) which stretches from the Millstones development to Willow Lane (an existing footpath) at its Western extent.*
- **An environmental role** – *the development proposals will contribute to protecting and enhancing the natural, built and historic environment of the area through landscape improvements including;; improved accessibility and transport sustainability; and substantial enhancements to the Village's leisure and recreational facilities.*

- 5.5 The development of the Oxspring Fields site would enable the delivery of the mutual objectives of enhancing the economic, social and environmental characteristics of Oxspring, Penistone and the wider Barnsley area.
- 5.6 The Site is situated in a highly sustainable location given the accessibility of the Site and its connectivity to a wide range of services and facilities. However, what sets this site apart from others is its potential to significantly enhance the sustainability of not only its immediate surroundings but also Penistone and the wider western rural area of the Borough.
- 5.7 South Yorkshire Passenger Transport Executive (“SYLTE”) confirmed in their letter of 12th June 2014 (as attached at Appendix 10) that:

“The proximity of the Trans Pennine Trail (TPT) is a very good feature for this site and this should not be overlooked. The high levels of accessibility to the TPT promote this site as a very sustainable option given the connections to a high quality walking and cycling network... As the Site is within 2km from the station, SYLTE would deem it acceptable to expect a proportion of cycle based park and riding from Penistone, as well as a higher proportion of cycling trips for commuter purposes.”

- 5.8 The Site would therefore be an ideal location for the sustainable development of the Penistone and the wider area. The Local Plan has failed to consider the close physical connection of Penistone and Oxspring and the potential to accommodate housing growth.

Distribution

- 5.9 Policy H2 sets out the distribution of new homes in accordance with the settlement hierarchy identified in Policy LG2. The Policy distributes only 7% of housing development to Penistone in comparison to a serious over-concentration of housing in the eastern half of the Borough, where the market will not deliver sufficient housing in that area. It can be seen at Figure 3, page 89 of the Local Plan that some 18,723 dwellings are proposed for the area to the east of the M1 (92 per cent of the total), with only 1,471 dwellings directed

to the area to the west. The number of dwellings directed to Hoyland has increased dramatically from the Core Strategy (this is entirely different in the case of Penistone as discussed below in paragraph 5.10). Policy CSP 10 in the Core Strategy made provision for 1,800 dwellings in Hoyland (8 per cent of the total) whereas the draft Local Plan Policy H2 has increased the figure to 3,141 dwellings (15 per cent of the total).

- 5.10 In regard to Penistone, as mentioned above Policy H2 only distributes 7% of housing development to Penistone. We do not consider that 7% of the overall supply is sufficient to serve Penistone and the wider Penistone area; therefore this figure should be increased to at least a minimum of 10%, our rationale is explained further below.
- 5.11 The number of dwellings allocated for Penistone in the adopted Core Strategy (Policy CSP 10) is 1,100. The allocation for Penistone of 1,287 dwellings in the Local Plan (Policy H2) appears to represent an increase. However the Local Plan appears to omit the additional 1,000 dwellings which were to be set aside for the villages outside the Principal Towns (as detailed in CSP Policy 10). Furthermore, the Economic Strategy, the Housing Strategy and other high-level Council documents refer to an identified need for between 1,200 and 2,500 executive homes, in addition to the mainstream housing. This also appears to be missing from the Local Plan. Consequently, the dwelling apportionment for the villages in the Local Plan is substantially lower than in the Core Strategy. A table is provided in Appendix 11 which contains more specific figures and illustrates this reduction clearly.
- 5.12 Furthermore, the projected housing figures for each site within Penistone cannot be realistically achieved. This is due to a lack of deliverability, landowners who are not willing and a number of severe physical and environmental constraints. A development yield appraisal has been carried out by Yorkshire Land and is attached at Appendix 12. Consequently, there is a need to find additional sites within Penistone and the wider area to accommodate such a significant shortfall in housing numbers.
- 5.13 A key issue identified through the Yorkshire Land assessment of the draft housing allocations is the impact that focusing growth to the west and south of Penistone would have in respect of highways congestion. By allocating a

part of Penistone's housing requirement to the East of Penistone (such as the Oxspring Fields proposals) this would assist in reducing the traffic congestion which already queues from the A628 / Bridge Street junction back into Penistone Town centre at peak times. As the Council will be aware Persimmon Homes were recently granted detailed planning approval for 139 dwellings on site reference 'H47 Land East of Schole Hill Lane'. We consider that this will have a considerable impact on traffic queuing from the already congested A628 / Bridge street junction; a problem that would only be further exacerbated by the delivery of additional housing at the Site 'H80 - South of Penistone' which is identified as having a capacity of circa 300 dwellings.

- 5.14 Policy H3 of the Local Plan provides site specific housing policies. The Local Plan is clearly not sound as it fails to identify any housing allocation sites in Oxspring; a settlement which is a highly sustainable extension of Penistone (as discussed above in paragraphs 5.2 - 5.7) and would contribute significantly towards achieving the required housing numbers for the Principal Town of Penistone; particularly in respect of bringing forward low density, high quality, executive/family housing.

Green Belt

- 5.15 We note that a Green Belt Review has been carried out by Arup in conjunction with the Council in 2014, which forms part of the evidence base and informs the Local Plan and proposes to release 190 hectares of Green Belt land for housing. The Council acknowledge at paragraph 3.25 of the Local Plan that their housing and employment aspirations cannot be accommodated without the need to release land from the Green Belt. This is further confirmed by a senior Planning Officer at the Council in a video which can be accessed via the following link: <http://www.oxspringplan.org.uk/about/videos/>. Moreover, the Council confirm that there is need for more low density, executive/family housing.
- 5.16 The Councils SHLAA was undertaken by Peter Brett Associates during 2013. Their final outputs were presented to the Council in January 2014 and advise that 5,000 to 5,500 dwellings would need to come forward on land that is presently designated as Green Belt and would require about 240 to 310 hectares of land. That estimate was based on realistic gross-to-net ratios and

density assumptions. However, paragraph 3.25 of the Local Plan states '*It is proposed to take out of the Green Belt around 190 hectares of land for housing...*' We suspect that the reason the Council is proposing to release less land from the Green Belt than suggested in the 2014 SHLAA reports is due to the assumptions regarding densities and gross-to-net ratios that have now been used; this point is discussed further below.

- 5.17 We consider the applied Green Belt Review methodology, which combines larger areas of Green Belt land together as general areas, to be significantly flawed. In order to make an accurate assessment, each site should have been considered on an individual basis to ascertain the precise Green Belt function and the individual merits/constraints.
- 5.18 The Green Belt Review of the Site has not been accurately undertaken, due to the flawed methodology as discussed above. We do not accept the overall score of 16 out of 25 for the site as assessed by Arup and reiterate points made in earlier Yorkshire Land representations below:-
- 5.19 The Council have failed to consider that the Site is located in a highly sustainable location and serves no purpose as Green Belt. The Site is bounded by strong physical boundaries (the B6462 Sheffield Road to the North, the Trans Pennine Trail to the South, an access road to the East and existing recreation ground to the West). A letter produced by Smeeden Foreman dated 23th December 2014 further confirms this containment and the historic pattern of the settlement of Oxspring (a copy of which is attached at Appendix 13). In addition, Yorkshire Land will provide an additional landscape buffer in the form of a country park; this will be located to the East of the Site.
- 5.20 The land does not stop the unrestricted sprawl of large built up areas; it does not prevent neighbouring towns from merging; development of the Site would not lead to encroachment of the countryside, there are strong logical boundaries which contain the Site; it does not preserve the setting and special character of historic towns.

- 5.21 The release of this highly sustainable Site from the Green Belt would assist in the growth of Penistone and its wider area, providing the much needed housing.

Housing Mix

- 5.22 As noted in the supporting SAA (attached at Appendix 4), the Barnsley Strategic Housing Market Assessment (“SHMA”) acknowledges that the provision of new dwellings is needed to support economic growth and to address social imbalances by developing executive housing which could pull higher income earners into Barnsley. Indeed the SHMA states that a challenge for the Borough ‘*must be to provide more large houses in the better areas of Barnsley MB to retain, and also attract, mid-upper income households.*’ The SHMA states that executive housing provision will have a role in responding to “*the need for diversification and expansion of the sub-regional economy and in contributing towards achieving wider population and economic growth objectives for the Region*”.
- 5.23 The SHMA identifies that in terms of locations for “executive” family housing it was agreed by all of the housing developers consulted that the western area of the Borough would “*provide more favourable locations for executive type housing giving good access to the motorway network, Leeds and Sheffield*”. The SHMA goes further to state that none of the developers consulted were currently developing executive housing in Barnsley due to “*the tough market conditions, access to finance/mortgages and general economic climate as the main reasons*”.
- 5.24 This identified need for low density, executive housing in Oxspring is further confirmed in an interview between Ruth Rovira-Wilde, Chair of the Oxspring Neighbourhood Plan Committee and Helen Willows, a senior Planning Officer from the Council. The video can be accessed via the following link: <http://www.oxspringplan.org.uk/about/videos/>.
- 5.25 In the above mentioned video, the Councils senior policy officer clearly states the following:

“ The SHMA is looking to support not only local needs housing, but also to make a significant contribution towards the Councils economic aspirations to make a significant contribution towards executive, low density housing to meet the aspirations of the Economic Strategy”

5.26 Ruth Rovira-Wilde then continues to say:

“We can support the Local Authority, but we need to try and find more of a made to measure solution for Oxspring; Affordable housing or at least a mixture to allow for starter up homes as well as maybe more executive homes to try and encourage working from homes, starter units for businesses”

5.27 Furthermore, and contrary to paragraph 47 of the NPPF, the Local Plan has failed to consider the Council’s Economic Strategy 2013-2033 (“CES”); an up to date evidence base document which identifies a need to deliver a change in the quality and mix of housing available in the Metropolitan Borough. In particular there is an identified need for low density, executive housing.

5.28 The CES recognises the need for emerging planning policies to allocate commercially attractive and market facing sites to deliver more than 1,200 executive homes in the Borough by 2033. In achieving this ambition, the Council acknowledged that they were likely to require the use of Green Belt land in the Western Rural Parishes.

5.29 The CES identifies that the Council can play a key role in creating the conditions for stimulating the economic growth through the private sector.

5.30 Paragraph 5.14 of the CES emphasises that a positive working relationship between key stakeholders is required and states;

*“The Council will need to make a significant quantum leap in **shifting the emphasis towards working with landowners and developers** and focusing its efforts on greater collaboration with the private sector in securing the right housing”*

5.31 The CES identifies that *“there is an **inadequate supply of appropriate development sites, executive housing and available business premises**” (our emphasis).* With this in mind a particular focus of the strategy is to **increase the supply of low density housing.**

5.32 In order to meet the requirement for low density, executive housing, the Council have accepted that a review of Green Belt Policy is required; this is specifically referred to in paragraph 5.14 of the CES;

*“May also include possible **review of the policy on Green Belt in respect of executive Housing**”*

5.33 In addition to the Strategy, the Cabinet report 4.7.2012/8 produced by Barnsley Metropolitan Borough Council reaffirms the need for low density dwellings in the top bracket of the housing market. Paragraph 3.7 states;

*“Barnsley has experienced the trend of **more people on higher and medium incomes moving out of the borough then are moving in.** this is largely due to the fact that they are **unable to find suitable housing options to meet their needs**”*

*“We want to make the **borough a place where high and middle income people chose to live and can afford**”*

5.34 Further to the identified need for low density, executive housing, affordable housing is also required in Oxspring. The Local Plan requires a 30% provision of affordable homes. Therefore, the Site would not only deliver market and low density housing but also deliver the much needed affordable housing. Such a need for a mix of homes was also documented in the above mentioned Neighbourhood Plan Group video.

5.35 The only realistic chance of achieving affordable housing in Oxspring is through the delivery of a major housing scheme, with a provision of 30% affordable units. Affordable housing will simply not be delivered by permitting small scale housing developments, with a threshold below 15 units.

6. **Conclusion**

6.1 There is demonstrable evidence that the Site should be released for housing on the following grounds:-

- Additional housing should be delivered to the Villages; the Site can clearly contribute towards the delivery of increased housing numbers.
- Additional housing should be delivered to the Borough's stronger market areas to ensure the delivery of housing needs.
- Additional sites for low density, executive/family houses are required across the Borough; the Site is suitable and can contribute to delivering these types of homes
- Additional sites are needed due to deliverability and yield issues associated with the existing allocations/safeguarded sites; the Site can contribute to delivering a part of the identified shortfall
- The Site proposals in their own right are highly sustainable, deliverable and have less impact on the Green Belt than the other identified allocations/safeguarded land sites in Penistone/Oxspring. Therefore, even if additional sites are not required then the Site should still be allocated ahead of others. The proposals present an exceptional development proposition.
- The inclusion of Oxspring within Penistone Community Area would be sound and justified on grounds of the strong physical relationship of the two settlements. This would provide the Council with the policy context in which to allocate the Sites proposals ahead of other less deliverable and sustainable draft housing allocations in the settlement area.

- All of the above, when considered in combination point towards strong grounds for the allocation of the Oxspring Fields Site. The proposals provide one of the best development packages available to the Council across the entire Borough, where there is a significant need.

Changes required to the Draft Local Plan

- 6.2 Having regard to the objections set out in section 5, we consider that the following amendments are required to the Draft Local Plan:
- 6.3 Policy LG2 of the Local Plan should be amended to incorporate the wider area of Penistone including the adjoining settlement of Oxspring, which is well connected, highly sustainable and can offer significant growth opportunities.
- 6.4 Policy H2 of the Local Plan should be amended to increase the overall supply of housing in the Principal Town of Penistone and the wider area from 7% to at least a minimum of 10%.
- 6.5 Policy H3 of the Local Plan should be amended to allocate the Site at Oxspring for housing to accommodate the Borough's objectively assessed housing needs.
- 6.6 Contrary to paragraph 47 of the NPPF, the Local Plan has failed to properly consider the Council's Economic Strategy 2013-2033 ("CES"); an up to date evidence base document which identifies a need to deliver a change in the quality and mix of housing available in the Metropolitan Borough.

9th January 2015

LA.DRW