

Stephanie Tolson  
Clerk to Oxspring Parish Council  
43 Nether Royd View,  
Silkstone Common,  
Barnsley,  
S75 4QQ

28<sup>th</sup> April 2016

Dear Ms Tolson,

I write on behalf of Yorkshire Land Limited (YLL) to provide you with our response to the Oxspring Draft Neighbourhood Development Plan dated March 2016.

From our review of the latest document it is clear that the comments we have made to previous versions of the Draft Oxspring Neighbourhood Development Plan (Draft ONDP) have disappointingly been ignored. It is for this reason that we formally wish to re-issue and re-iterate the representations we submitted in January 2016. Accordingly, a copy of the representations and its enclosures are submitted alongside this letter.

For clarity and the avoidance of doubt, please consider this letter and the enclosed previously submitted representations as our client's formal response to the Draft ONDP.

It is our considered opinion that the Draft ONDP fails to meet the basic conditions required of a Neighbourhood Plan as the significant amendments highlighted in our previously submitted representations have not been made.

In addition to the comments raised in the enclosed representations there are some further detailed comments we wish to make to the following element of the latest Draft ONDP: -

1. On Page 32 in Draft Policy OEN2 'Protecting Local Green Spaces' it is stated that:

***"New development which impacts adversely on the openness of these sites or adversely affects the attributes for which they were designated will not be acceptable other than in very special circumstances"***

This policy is not in accordance with national planning guidance, presented in Paragraph 74 of the National Planning Policy Framework (NPPF). The policy aligns more with national guidance in respect of the Green Belt, not open space. The policy should therefore be removed or updated to reflect the criteria set out within Paragraph 74 of the NPPF.

2. Paragraph 4.3 on page 14 identifies that "The village has reasonable accessibility to public transport". The wording here has been altered from 'good accessibility' in the previous Draft ONDP documentation to 'reasonable accessibility' within this formal consultation document. As identified in our previous representations, this statement is entirely incorrect. Indeed, the Draft ONDP again provides substantial evidence of its own to demonstrate how sustainable the Village is, which is also supported by further information publicly available on the Parish Website controlled by OPC and in BMBC's Adopted UDP. Furthermore, the 'Oxpring Fields' Sustainability and Accessibility Study undertaken jointly between ourselves and Pell Frischmann provides clear demonstrable evidence that Oxspring is situated in a highly sustainable location given its accessibility and connectivity to a wide range of services and facilities.
3. Paragraph 6.3.3 on page 36 sets out that the Employment Site Ref.P2 is "*identified under Penistone but falls within the NDP boundary of Oxspring*". This very statement identified two key pertinent points. With regards to the sustainability credentials of the Village it confirms the availability of employment facilities within both the NDP boundary and the parish boundary of Oxspring. It also provides clear evidence of the inextricable link between Penistone and Oxspring. Site Ref. P2 is clearly located within the parish boundary of Oxspring. Not Penistone. The theoretical "settlement limit" of Penistone used for planning purposes has been amended within the Draft Barnsley Local Plan to include Site Ref. P2 within it. There is a lack of more available and suitable employment sites in Penistone itself, which has resulted in the need for BMBC to allocate employment land within the parish boundary of Oxspring. Which is no different to YLL's argument in respect of housing developments. We consider there to be severe

deliverability issues associated with a number of the proposed housing allocations in Penistone and potential alternative sites. Therefore, in the same vein as BMBC identifying Site Ref.P2 for allocation we consider that the Oxspring Fields site should be allocated for housing.

As previously stated, overall YLL support a number of the objectives identified within the Draft ONDP as these align with their own and will provide considerable benefits to Oxspring. However, the main concern of YLL is that no evidence has been presented within this version of the Draft ONDP or its predecessor to identify how these identified ambitions will be facilitated without the delivery of new homes as part of the Oxspring Fields development proposals. YLL's proposals can and will deliver both the funding and the land required.

As a consequence, the latest Draft ONDP fails to meet the guidance presented within Paragraph 005 (Reference ID 41-005-20140306) of the National Planning Practice Guidance (NPPG) which specifically states that *"if the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable"*.

The Draft ONDP is rigid in its approach to seeking to align to the emerging Barnsley Local Plan, an emerging local planning policy document that we believe is likely to be amended prior to its adoption, thus rendering a number of the policies and aspirations of the Draft ONDP out of date and the resource associated with the production of the document largely abortive. For clarity, it is our view that the required amendments to the emerging Barnsley Local Plan relate to the following: -

- The robustness of the Green Belt Review on account of its assessment not including existing safeguarded sites and the disregarding of conclusions associated with the further review of suggested sub-divisions of assessed areas;
- That the approach of identifying no housing allocations within the designated Villages will ensure that the identified housing needs of these settlements will not be met in the Plan Period up to 2033;
- Oxspring should be included within the designated area associated with the Principal Town of Penistone, on account of the inextricable and historical links between the two settlements; &
- The proposed distribution of growth and housing allocations will not deliver the number and type of new homes required to meet Barnsley Metropolitan Borough Council's (BMBC's) own Housing Needs, Aspirations and Economic and Housing strategies.

It was also made clear in our previous representations that where our client disagreed with the previous Draft ONDP was in relation to the amount of new homes which are proposed to be delivered in the Village during the proposed ONDP plan period of 2014 to 2033. With regards to housing needs the URS Study commissioned by Planning Aid England on behalf of Oxspring Parish Council (OPC) identifies a need for up to 68 new homes to serve the needs of Oxspring up to 2026; a figure which we extrapolated to 96 new homes to take account of the seven additional years of plan period up to 2033. The key findings of the URS Study have again been ignored, yet certain evidence presented within the document has been "cherry picked" to align to the preferred approach of the OPC, particularly in relation to affordable housing needs and housing mix. The irony being that should the Draft ONDP's policies in respect of housing delivery remain the same there will be little or no housing delivered in the Village in any event.

The Draft ONDP again seeks to deliver only small scale housing on sites of 0.4Ha or less and identifies that the housing needs of Oxspring will be met predominantly in Penistone. An approach that YLL strongly refute because this quite simply means that the identified housing needs of the Village will not be met until the end of the plan period at the earliest (seventeen years from now) and those people and families looking to stay in or move to the Village will be forced to look elsewhere.

We are still of the firm view that such an approach is socially unethical, especially when there are planning mechanisms available to OPC and their Oxspring Neighbourhood Plan Group (ONPG) which will allow the release of a deliverable housing site (Oxspring Fields) which has a minimal impact on the character of the Village and the local landscape and will deliver a myriad of long desired and otherwise undeliverable community benefits identified in the Draft ONDP.

The Draft ONDP continues to identify that only small scale development is appropriate due to the unsustainable nature of the settlement. A position which we strongly object to and have evidenced is incorrect. Indeed, the Draft ONDP again provides substantial evidence of its own to demonstrate how

sustainable the Village is, which is also supported by further information publicly available on the Parish Website controlled by OPC, in BMBC's Adopted UDP and within the Oxspring Fields Sustainability and Accessibility Study, which was undertaken jointly by ourselves and Pell Frischmann

We consider the approach of the Draft ONDP to be inconsistent with paragraph 52 of the NPPF, which notes that the supply of new homes may be best achieved through, amongst other things, extensions to existing villages. This approach is also supported by paragraph 28 of the NPPF, which notes the importance of viable villages in promoting sustainability.

We retain our view that the only way the visions, objectives and policies of the Draft ONDP will be delivered is through the release of YLL's Oxspring Fields development proposals from the Green Belt.

In order to ensure that the level of existing Green Belt is retained we have proposed that the existing Safeguarded Land site at Roughbitchworth Lane is placed back into the Green Belt. OPC, supported by the local Member of Parliament, has specifically requested that BMBC return the Safeguarded site SAF18 to Green Belt designation and it is also a matter of record that many local residents have made written objections to BMBC stating that they oppose any development of the SAF18 site for housing. Such an approach complies with existing planning guidance on account of the existing Safeguarded Land site being undeliverable for future development; as it currently fulfils Green Belt purposes; and because its development will have a far greater, and adverse, impact on the local landscape than YLL's Oxspring Fields site.

Since the submission of our representations to the previous Draft ONDP in January 2016, YLL wrote a letter to OPC on the 16<sup>th</sup> February 2016 (enclosed) to provide further information in respect of their proposal to allocate the Oxspring Fields site as a housing allocation in exchange for the Safeguarded Site SAF18 being re-designated within the Green Belt. For ease I provide below a synopsis of the key points that the letter raises: -

- As you are aware YLL held a Community Consultant & Engagement event on the 23<sup>rd</sup> January 2016. The event was extremely well supported by a wide range of interested parties. All of the returned discretionary questionnaires showed an overwhelming support for the development of YLL's site in favour of the Safeguarded Land site located North and South of Roughbitchworth Lane (Draft Local Plan Ref. SAF18). A recurring question asked by many of the attendees of the event was how can Oxspring Parish Council ever realistically deliver any of the aspirations of the Neighbourhood Plan when they do not have the required money and resources available? From a review of the comments received at and following the event it is clear that the majority of local residents consider YLL's Oxspring Fields development proposals as the only viable and realistic opportunity to deliver the aspirations of the ONDP and also importantly the Village's housing needs.
- The previous Draft ONDP identifies that the housing needs of Oxspring will be met within Penistone. However, the URS Housing Needs and Capacity Assessment for Oxspring identified the housing needs of Oxspring (not Penistone) across a range of housing types including affordable. If anything this position only strengthens the case that Oxspring is inextricably linked with Penistone and thus should be attached with Penistone in respect of the settlement hierarchy in the emerging Barnsley Local Plan. Not only does Penistone have its own identified housing needs to meet, but the concept of forcing those in housing need in Oxspring to reside in another settlement away from their families and friends is socially unethical. Finally, with regards to the delivery of affordable housing, the provision which arises from new housing developments in Penistone will be required to meet the needs of Penistone. Not Oxspring.
- Enclosed with YLL's letter were two separate Flood & Drainage Feasibility reports which have been undertaken by Topping Engineers. The reports provide an assessment of the Oxspring Fields site and the Safeguarded Land site (Ref. SAF18). The enclosed documents provide further technical evidence of the deliverability of YLL's Oxspring Fields proposal alongside further evidence that the Safeguarded Land site (Ref.SAF18) is undeliverable due to drainage viability concerns.
- YLL's letter enclosed a number of extracts from recent BMBC committee reports which related to two new housing developments located in the Borough's Western Rural Villages and which were approved. One in Hoylandswaine and one in Ingbyrchworth. As part of the approval the sustainability credentials of the settlements were considered and both deemed suitable for residential development. As Oxspring is far more sustainable than these settlements and is more closely linked to Penistone this clearly puts beyond question Oxspring's credentials as a Sustainable settlement given Oxspring has more Services and Facilities, has better accessibility and is situated in a superior location adjoining the Principal Town of Penistone.

- Finally, within the committee reports for the Hoylandswaine site discussed above, BMBC identify that the delivery of affordable housing is an important requirement of the their SHMA and that this was weighted heavily within the decision making process. As discussed on a number of occasions the only way affordable homes will be delivered in Villages is through the allocation of sites above 15 dwellings in size. Which will simply not come forward if the existing policies of the Draft ONDP are retained. It is also important to point out that it is the SHMA alongside the Economic and Housing Strategies which identify the need for detached executive/family housing as well. With the Western Rural area of the Borough being identified as the best market location for their delivery. When linking the whole of the SHMA together this adds further weight towards the need to allocate sites within the Villages. Further evidence in this respect was provided in our submitted representations to the previous version of the Draft ONDP which are enclosed.

Further to the above, we believe it is of major significance that those who attended YLL's consultation exhibition, which took place after your consultation on the previous Draft ONDP, were not only in support of YLL's Oxspring Fields proposals, but also importantly agreed that the objectives and visions of the Draft ONDP could not be met without YLL's proposals. We urge the OPC and their ONPG to consider this point very seriously.

Following their Community Consultation and Engagement Event on 23 January 2016, YLL submitted two separate Freedom of Information requests to Oxspring Parish Council (available to view on the Oxspring Fields website) to enable YLL to answer questions raised by attendees of the consultation event whom asked amongst other important things whether Oxspring Parish Council held: -

- **Freedom of Information Request – 29 January 2016 - Proposed Sport and Community Centre**
  - Details of any meetings and/or discussions held by Oxspring Parish Council and/or the Oxspring Neighbourhood Plan Steering Committee and Sub-Groups since the inception of the Oxspring Neighbourhood Plan process specifically with regard to how to fund the construction and delivery of the proposed Sport and Community Centre, for which the Draft Oxspring Neighbourhood Plan evidences there is a long held aspiration to deliver.
- **Freedom of Information Request – 29 January 2016 - Affordable Housing**
  - Details of any meetings and/or discussions held by Oxspring Parish Council and/or the Oxspring Neighbourhood Plan (NP) Steering Committee and Sub-Groups since the inception of the Oxspring Neighbourhood Plan process specifically with regard to how new affordable housing will be funded and delivered; and specifically with regard to how the Oxspring Neighbourhood Plan could be utilised to enable and encourage the delivery of affordable housing

YLL received responses from OPC on the 24th and 25th February respectively (also available to view on the Oxspring Fields website) confirming with regard to the above questions that: -

- There have been no meetings/discussions held by the Oxspring NP steering committee and sub-groups or OPC specifically with regard to how to fund the construction and delivery of the proposed Sport & Community Centre.
- There have been no meetings/discussions held by the Oxspring NP steering committee and sub-groups or OPC specifically with regard to how new affordable housing will be funded or delivered.
- There have been no meetings/discussions held by the Oxspring NP steering committee and sub-groups or OPC specifically with regard to how the Oxspring Neighbourhood Plan could be utilised to enable and encourage the delivery of affordable housing.

Despite the Draft ONDP placing great emphasis on the need and desire for the above, it is plainly apparent that OPC and its ONPG have failed to consider how these aspirations can realistically be delivered as part of the ONDP. A point we have made to OPC and its ONPG on a number of occasions. YLL's Oxspring Fields proposals are the only viable mechanism that can provide the land and funding needed to deliver the identified aspirations of the Village.

As previously identified we acknowledge national planning policy guidance which identifies that a Neighbourhood Plan must be in general conformity with the Borough Local Plan. However, as identified on numerous occasions, given the Borough's Local Plan is at the consultation stage there is an opportunity for the ONPG, OPC and the local community to proactively influence the housing allocations during the production of the Borough Local Plan to ensure that the Village's own identified needs and aspirations will be delivered in the Plan Period to 2033.

We believe that if OPC and ONPG work with BMBC towards this objective then suitable amendments can be made to both the Draft ONDP and the emerging Barnsley Local Plan to facilitate the delivery of the Oxspring Fields proposals. Particularly given that both the Draft ONDP and emerging Barnsley Local Plan have still only reached consultation draft stages and thus can be amended through the further progression of the documents prior to adoption.

This window of opportunity is still open, but it will be closed shut soon. Consequently, should either document be required to be subsequently amended then this will have severe implications in respect of the timescales associated with their adoption.

National Planning Policy Guidance clearly states that Neighbourhood Plan bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. More specifically Paragraph 184 of the NPPF states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies. They can however promote more development, especially where development proposals can be considered to achieve the NPPF's principles of sustainable development.

We have identified in the numerous representations and correspondence submitted to ONPG, OPC and BMBC to date how the development of the Oxspring Fields site will enable the delivery of the NPPF's sustainable development objectives through delivering mutual enhancements to the economic, social and environmental characteristics of Oxspring, Penistone and the wider Barnsley Borough as a whole.

To re-emphasise this point, through the delivery of **up to** 150 new homes at the Oxspring Fields site, of which 38 (25%) would be affordable, the proposals can deliver the Village's identified housing needs up to 2033 and also viably provide other identified key aspirations and needs of the Village including: -

- A £500k contribution towards the delivery of a new Sports/Community Pavilion;
- A new Community/Country Park;
- A new Tourism Facility;
- Three new access points to the Trans Pennine Trail connecting the Primary School and the Playing Fields;
- Riverside walks along the Rocher Valley; and
- A £500k contribution towards the delivery of a Strategic Public Transport Interchange adjoining Penistone Railway Station.

In addition to the above, it is important to also add that should the Oxspring Fields development proposals be incorporated within the Neighbourhood Plan then the Parish Council will receive 25% of any Community Infrastructure Levy payments that the development is required to pay to Barnsley Metropolitan Borough Council. We currently estimate this payment to be a potential total figure of £2,000,000 (two million pounds) and thus the Parish Council could stand to receive £500k from any future Community Infrastructure Levy payments from the development. A substantial figure.

We believe it is pertinent to again point out that 3.17 hectares (7.83 acres) of the Oxspring Fields site is included within the adopted Oxspring Neighbourhood Plan boundary. Whilst OPC and ONPG have stated on more than one occasion that the boundary was initially only extended to incorporate the first Draft ONDP proposals for a new school and sports/recreation facilities, and that the majority of the Oxspring Fields site is still not within the Oxspring Neighbourhood Plan boundary, it is a **fact** that half of the proposed housing site (i.e. excluding the proposed country park) is included within the adopted neighbourhood plan boundary. It should make no difference why the boundary was amended.

Further, it is apparent from evidence that when OPC and ONPG wanted to extend the ONDP boundary to provide for development that it supported/desired and had identified a need for (i.e. new school and sports/recreation facilities), Hunshelf Parish Council were more than willing to oblige Oxspring in meeting its needs, despite the land being in Hunshelf parish. If the ONDP boundary were extended further to include the whole of the Oxspring Fields site, then the boundary would work to logical and defensible features (rather than a field boundary as at present). If the housing development proceeds on only the area contained within



the ONDP boundary at present, then the total amount of Community Infrastructure Levy received by OPC will be vastly reduced below the figure that will be provided if the ONDP boundary is extended again to include the whole Oxspring Fields site.

Finally, development of the Oxspring Fields site will meet the affordable housing and community needs of both Oxspring and Hunshelf Parishes and both Parish Councils could come to agreement on how CIL monies may be divided between the two parishes, which could be spent on developing other community programmes/facilities. Especially when there are no current funding mechanisms known which could viably deliver the aspired facilities

We again hope that this letter will be thoroughly considered alongside all of the information our client has previously submitted to the ONPG, OPC and consultants Kirkwells. We also request that the comments made in this letter and the enclosed previous submissions are properly presented to the local community for their consideration, in order to ensure that the Oxspring Neighbourhood Plan has been prepared transparently. We have played our part in providing local residents with information on YLL's proposals through the consultation exhibition that we have undertaken, we consider it your statutory requirement to do the same through the Draft ONDP process.

It is our clear and valid view that without the delivery of new homes as part of the Oxspring Fields development the majority of the identified ambitions of the Draft ONDP are not viable and as a consequence are un-deliverable. We again stress that, they will remain words on a page rather than tangible facilities that the local community can use and enjoy unless significant changes are made to the document.

We also wish to highlight again the fact that our client's Oxspring Fields development proposals present a rare, unprecedented and unrivalled opportunity for Oxspring. Land owned privately by YLL is being offered to provide community benefits that will facilitate the sustainable development of Oxspring, in accordance with the spirit of the National Planning Policy Framework, they will also enable the delivery of the desires and recognised needs of both Oxspring and the wider Penistone area.

Though it is becoming evidently clear that the ONPG and OPC do not wish to work constructively with YLL, we remain hopeful that you will review our comments constructively and that lines of communication will remain open so that there is the potential to work together in the future towards the delivery of an exemplary Neighbourhood Plan which can be considered "best practice" in respect of providing evidence of the significant number of benefits that can be delivered when the local community and developers work together.

The Oxspring Fields development proposals provide the ONPG and OPC with an opportunity to deliver unrivalled benefits for the community which they represent. They will facilitate the provision of new and enhanced Village, Parish and Borough-wide assets.

Whilst many of the Neighbourhood Plan's identified concepts are supported, they will remain as theoretical concepts unless feasible and viable delivery mechanisms are identified. YLL are still the only feasible and viable delivery mechanism available to provide the Village's Needs and aspirations within the ONDP period to 2033 and present an unrivalled 'once in a lifetime' opportunity to the OPC and ONPG to deliver a future for the village that they, and most importantly the local community can be proud of.

OPC now only have one final opportunity to make amendments to the document in order to ensure that the objectives and visions of the Village can be delivered. We urge you to ensure that this opportunity is taken. Unless our proposed amendments are made then we will have no choice but to continue to challenge the deliverability of the document on the grounds identified above.

We trust the comments made in these representations and within the enclosed documentation will be thoroughly considered in the preparation of the final version of the Oxspring Neighbourhood Development Plan.

Kind regards,



**PAUL BUTLER**  
Director