



PB Planning

***Barnsley Publication Draft
Local Plan***

**Representations on behalf of
Yorkshire Land Limited**

Oxspring Fields

August 2016

Strategy > Partnership > Delivery

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1.0 INTRODUCTION

- 1.1 We write on behalf of our client Yorkshire Land Limited (YLL) to provide Barnsley Metropolitan Borough Council (BMBC) with our comments in response to the Barnsley Local Plan Publication Draft (BLPP), published in May 2016.
- 1.2 YLL has successfully developed land in the Barnsley Borough for over 29 years and have been particularly instrumental in delivering a number of housing sites in Penistone and the adjoining village of Oxspring, bringing tens of millions of pounds' worth of investment to the area. Their focus has been to provide tangible benefits to enhance the local environment as part of their development schemes and they have never received grant funding of any type.
- 1.3 Our client currently holds five land interests within the Barnsley Metropolitan Borough area. These include: -
- Oxspring Fields, Oxspring - Currently designated as Green Belt and proposed to be retained within the Green Belt within the emerging Local Plan. The site would serve the defined Village of Oxspring. No Housing allocations are currently proposed in the Villages. YLL's development proposals are to deliver a high quality residential development alongside significant new community facilities, including a new country park and funding towards the delivery of the sports pavilion and community building long desired by the local community. The site has national house builder interest. These representations are associated with this site.
 - Hunningley Lane, Worsbrough Dale - Currently designated as Green Belt and proposed to be retained within the Green Belt within the emerging Local Plan. The site lies within the defined Urban Area of Barnsley. The Urban Area of Barnsley is the main focus of growth in the Barnsley Borough. YLL's development proposals are to deliver a high quality residential development alongside new public open space. The site has national house builder interest. Separate representations are being submitted on behalf of YLL regarding this site.
 - Land South of Halifax Road, Penistone – Currently designated as Green Belt but proposed as a housing allocation under Policy H82 within the emerging Barnsley Local Plan. The site lies within the defined Principal Town of Penistone. The Main focus for Growth within the West of the Barnsley Borough. YLL's development proposals are to deliver a high quality residential development alongside new public open space and local highways improvements. The site has national house builder interest from Barratt Homes & David Wilson Homes who have held pre-application discussions with the Council and are submitting separate representations to BMBC on this site.
 - Blackmoor Business Park – Currently designated as Green Belt and proposed to be retained within the Green Belt within the emerging Local Plan. The site is a previously developed site located within a location that is accessible by foot, bicycle and public transport. YLL's proposal is to deliver a high quality business park on the site. Separate representations are being submitted on behalf of YLL regarding this site.
 - Millstones, Oxspring – YLL's proposal is to deliver four executive homes to meet the identified qualitative housing needs of the Borough. The site is currently located in the Green Belt and is proposed to be retained in the Green Belt. Representations are being submitted by Peter Brett Associates regarding this site.

- 1.4 The Oxspring Fields development proposals represent an exemplary development scheme which seeks to meet in full the identified housing needs of the Village whilst also providing unrivalled community benefits in the form of the land and funding required to deliver the significant community infrastructure aspirations of the draft Oxspring Neighbourhood Plan. Without the Oxspring Fields development neither of which are deliverable. These representations should be read alongside the representations made to the Draft Oxspring Neighbourhood Plan which are enclosed in (Appendix 1). It is our view that this site should be allocated to enable the delivery of new homes satisfy the identified housing need in Oxspring and that the Oxspring Fields site is the only deliverable residential development site that can deliver the identified housing needs of the village; does not provide a Green Belt function; and can also provide a myriad of other benefits desired by the local community. We also believe that the allocation of the Oxspring Fields site would enable the existing Safeguarded Land site located in Oxspring (BLPP Ref. SAF18) to be returned to the Green Belt as it is not deliverable; provides a Green Belt function; and would have an adverse impact on the character of the local area. Thus ensuring that there is no nett loss of Green Belt around the Village. The delivery of new homes within Oxspring would align with paragraphs 28 and 52 of the National Planning Policy Framework (NPPF), which note the importance of viable villages in promoting sustainability and that the supply of new homes may be best achieved through, amongst other things, extensions to existing villages.
- 1.5 It is our current view that the BLPP will need to be amended in order for it to be considered sound by a Government Appointed Inspector. The required amendments relate to the following: -
- The (lack of) robustness of the Green Belt Review on account of its assessment not including existing safeguarded sites and the disregarding of Arup's key comments and 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 result in the identified housing needs of these settlements not being met in the Plan Period up to 2033;
 - The Village of Oxspring should be included within the designated area associated with the Principal Town of Penistone, on account of the identified 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 BMBC's own housing needs aspirations set out within the BMBC Economic and Housing strategies; &
 - The evidence base associated with the identification of the proposed Safeguarded Land sites, the proposed quantum of safeguarded land and the wording of Policy GB6 are unsound and will not deliver long term Green Belt permanence.
- 1.6 BMBC are aware that YLL have previously consulted with leading Counsel Sasha White QC in respect of the approach of the previous Draft Barnsley Borough Local Plan (published

November 2014). The Legal Opinion was submitted to BMBC enclosed to a covering letter by Walton & Co (Planning Lawyers) dated 4th May 2016 which corroborates a number of the concerns that are raised within these representations. Sasha White QC's Legal Opinion is enclosed with these representations (in Appendix 2) and is referenced throughout. YLL have retained the services of Sasha White QC and will continue to liaise with him in respect of future versions of the Barnsley Local Plan.

- 1.7 These representations seek to consider the strategic policy issues identified in Paragraph 1.5 above given their importance in respect of the overall soundness of the BLPP. These representations commence by providing detailed evidence in respect of the deliverability of the Oxspring Fields, site. Further representations in respect of our serious concerns with the proposed Community Infrastructure Levy are provided under separate cover.
- 1.8 The comments we provide below consider local and national planning policy and practice guidance alongside our client's extensive experience and knowledge of investing in and delivering development within the Barnsley Metropolitan Borough area throughout the past 29 years.

2.0 OXSPRING FIELDS, OXSPRING

- 2.1 This section of the document outlines YLL's grounds of **objection** to BMBC's rejection of the Oxspring Fields site. It also provides details of YLL's **objection** to the designation of Site Ref. SAF18 Land North and South of Roughbitchworth Lane, Oxspring. The representations provided in this section should be read in conjunction with the planning arguments which are presented in the preceding sections of these representations in respect of the Oxspring Fields site.
- 2.2 The Oxspring Fields development proposals represent exceptional and unique planning considerations. The Oxspring Neighbourhood Plan preparation process has identified a number of community infrastructure aspirations which seek to retain and enhance the vitality and viability of the Village. The Oxspring Fields development proposals will deliver many of these identified aspirations and more. Within this section of the representations we set out the planning arguments, justifying the site's deliverability. A more detailed assessment demonstrating that the site does not meet the NPPF's Green Belt purposes and how it should be released from the Green Belt for development is set out in Section 3
- 2.3 With regards to the housing needs of the Village, in 2014 a Housing Needs & Capacity Assessment (enclosed in Appendix 3) was prepared on behalf of Oxspring Parish Council by consultants 'URS' who were instructed by Planning Aid England in order to assess Oxspring's 'fair share of development' which would subsequently inform the policies and proposals of the Oxspring Neighbourhood Plan. The document concludes by identifying the need to deliver between 53 and 68 new homes in the Village during the period 2008 to 2026 (which is based on the current Barnsley Core Strategy timescale 2008-2026), circa 4 homes per annum. The document identifies a need for a range of house types, including affordable housing. The figures presented in the document were generated using an assessment of the population projections at that time, alongside other available evidence. It is important to state here that updated population projections were published earlier this year. In addition, the BLPP now seeks to identify local planning policies for the Borough up to the year 2033, seven additional years of housing need which is unaccounted for in the URS Study. There is therefore reasonable justification for the figures identified in the URS Study to be increased accordingly to a level closer to 96 new homes.
- 2.4 There are no existing deliverable housing sites in Oxspring which could accommodate the housing needs identified.
- 2.5 The proposed Oxspring Fields site can deliver the identified housing needs of the Village, however, with the delivery of an additional 50 to 80 homes (a total of 150 homes) of which 45

(30%) will be affordable, the proposals can also viably provide other identified key needs and aspirations of the local community, which are also otherwise undeliverable.

- 2.6 The delivery of new homes at the Oxspring Fields site is strongly supported by David Wilson Homes (by letter dated 7th July enclosed in Appendix 4) and will provide the opportunity to meet the identified local housing needs of the area whilst also assisting BMBC in the successful delivery of its Economic and Housing objectives which recognise the need to construct Executive/Large Family homes in locations attractive to the housing market (for both prospective developers and purchasers) within the Western Part of the Borough.
- 2.7 The delivery of new homes at the Oxspring Fields site will provide, at no cost to the public purse, the funding required to deliver: -
- Significant new recreational facilities for Oxspring (including a comprehensive sports pavilion/community facility for which OPC held planning permission for over 8 years and despite their best efforts at fundraising simply cannot develop without significant private funding);
 - The creation of a new country park (including a Trim Trail, Informal Sport and Picnic areas);
 - A tourism hub located adjacent to the Trans Pennine Trail in the South Eastern corner of the country park to help enhance the tourism offer of the area and provide additional local employment opportunities in accordance with the Tourism and Visitor Economy section of the Draft Oxspring Neighbourhood Plan;
 - Access to private land and riverside walks in the form of the 'Oxspring Rocher Valley' (which is in YLL's ownership); and
 - The provision of new pedestrian/cycle access points (including disabled access) to the Trans Pennine Trail from the primary school, existing village Sports Field and the proposed Tourism Hub to further enhance the accessibility of the proposed new community facilities to local residents and most crucially, increase the safety of Oxspring Primary School pupils who currently have to walk along the busy B6462 Sheffield Road to access the Sports Field.
- 2.8 Importantly, these facilities will satisfy both Oxspring Parish Council's and Penistone Town Council's aspirations to enhance the tourism economy of the area, whilst also meeting BMBC's key objectives to encourage the public to maintain a healthy and active lifestyle.
- 2.9 In addition, the proposed development will also contribute £500,000 funding and the land required for the construction of the much desired and long overdue Strategic Public Transport Interchange adjoining Penistone Railway Station. The delivery of this facility will increase wide ranging accessibility to the area, providing overall commuter and tourism benefits to Penistone and Western Rural area of the Borough. The new facility will also further enhance the acknowledged inextricable relationship between Oxspring and Penistone. Indeed, the site of this facility is only a 7-minute cycle commute from Oxspring along the Trans Pennine Trail, thus its delivery will further enhance the accessibility, tourism and recreational linkages of the two settlements.

2.10 An illustrative masterplan of the proposed Oxspring Fields site is provided below: -



2.11 Finally, the Oxspring Fields development proposals provide the opportunity for Oxspring Parish Council and the adjoining Hunshelf Parish Council to jointly receive 25% of any Community Infrastructure Levy payments that the development is required to pay to Barnsley Metropolitan Borough Council. YLL currently estimate this payment to be a potential total figure of £2,000,000 (two million pounds) and thus the Parish Councils could stand to receive £500k from any future Community Infrastructure Levy payments from the development.

2.12 The proposed Oxspring Fields development represents a sound, robust and deliverable alternative development site to the proposed safeguarded land designation “SAF18”, which measures 5.1 Ha in size and has the capacity to deliver up to 150 homes and which would need to be served from two new access points (North and South) onto Roughbitchworth Lane. The site is currently proposed to be retained as safeguarded land in the BLPP. However, Oxspring Parish Council has previously made written representations to BMBC objecting strongly to the development of the site (SAF 18) for housing, citing a number of concerns, including an increase in traffic using narrow country lanes and also surface water drainage/flooding issues. Finally, and importantly, the significant role which site SAF 18 is identified to play in the landscape certifies that it meets a number of the five Green Belt purposes as prescribed by the NPPF. In view of this, we believe that BMBC are in a defensible position to re-designate safeguarded site SAF 18 as Green Belt and in turn remove the Oxspring Fields site from the

Green Belt. This method would result in no significant loss of Green Belt land within vicinity of the Village whilst enabling the delivery of the identified housing needs of Oxspring up to the end of the plan period in 2033 and the myriad of community benefits listed above. Indeed, Oxspring Parish Council has specifically asked BMBC to re-designate Safeguarded Site SAF 18 as Green Belt, in their representation to the Draft Barnsley Local Plan, dated 10 January 2015 (enclosed in Appendix 5).

- 2.13 We believe that the Oxspring Fields proposals provide an unprecedented opportunity for residents of both Oxspring and Penistone. Land, owned privately by YLL is being offered to provide substantial community benefits that will greatly enhance the sustainable development of Oxspring and the wider Western part of the Borough. If the Oxspring Fields site is not delivered, Oxspring, Penistone and the Western part of the Borough will miss out on the number of substantial benefits identified above.
- 2.14 Whilst Oxspring Parish Council are presently of the view that the Oxspring Fields site cannot be considered for development within their Draft Neighbourhood Plan because the emerging Barnsley Local Plan seeks to retain the site within the Green Belt, this cannot be considered to be a valid reason to constrain the development of the site and the delivery of the Village's identified needs and aspirations. Sufficient justification has previously been provided by YLL, and BMBC's own evidence, to demonstrate that the Oxspring Fields site does not meet any of the NPPF's five Green Belt purposes; that the site will not have an adverse impact on the character of the local landscape; and in addition that the site is considered to be a 'category 1' deliverable residential development site in the 2013 Barnsley Strategic Housing Land Availability Assessment (SHLAA), a key evidence base document undertaken by Peter Brett Associates (PBA) on behalf of BMBC.
- 2.15 In respect of the final point made in the preceding paragraph, the Council's own assessment of the Oxspring Fields site (Ref 681) within the SHLAA, identifies the site represents a Category 1 'deliverable' residential development site. It specifically identified that it performed well against suitability, availability and achievability criteria. Importantly the SHLAA also stated that the development of the site provides the potential to deliver much needed low-density housing. A direct response to BMBC's own identified economic and housing strategy aspirations. To the contrary, the existing Safeguarded Land designation (SAF18) at Roughbitchworth Lane was assessed as a Category 2 site on account of deliverability issues, including impact on landscape character, and is thus less 'deliverable' for residential development than the Oxspring Field site.
- 2.16 BMBC have confirmed within the BLPP that it cannot meet its housing requirements without utilising land currently within the Green Belt. Accordingly, we request the release of the Oxspring Fields site from the Green Belt and its allocation for residential development on account of its ability to deliver identified needs and aspirations of both the Village and the wider Borough, especially when there is no other available mechanism to do so. We consider that the

development of the Oxspring Fields site will enable the delivery of the NPPF's sustainable development objectives through the delivery of mutual enhancements to the economic, social and environmental characteristics of Oxspring, Penistone and the wider Barnsley Borough as a whole.

2.17 The release and allocation of the Oxspring Fields site would comply with national planning guidance in respect of being a suitable and sustainable location on account of the site being well related to: -

- The Village or settlement boundaries, which could reflect areas of planned expansion;
- The catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities (especially in consideration of the new and enhanced facilities that the Oxspring Fields development can deliver, as set out above);
- The area where formal or informal networks of community based groups operate (the Oxspring Fields site lies immediately adjacent to the East of the existing Parish recreation ground, which will also be vastly enhanced through the delivery of new sports facilities and a Community Building/sports pavilion to be funded by the development);
- Infrastructure or physical features which define a natural boundary, for example a major road or railway line or waterway (in this instance particular emphasis should be given to the presence of the Trans Pennine Trail, forming the site's Southern boundary, the B6462 'Sheffield Road', forming the Northern Boundary, the decommissioned depot site forming the eastern boundary and the village recreation ground forming the Western Boundary);
- The natural setting or features in an area (particularly the existence of four strong, defensible features which contain the site to the North, South, East and West, including the B6462 'Sheffield Road' the Trans Pennine Trail, the largely decommissioned depot site and the Village recreation ground; and
- The size of the population (living and working) in the area.

2.18 Furthermore, the allocation of the Oxspring Fields site would not be inappropriate in the context of current landscape and character of the Village. Oxspring is a linear settlement which has developed historically between the Trans Pennine Trail and the River Don. The Proposed Oxspring Fields Site directly adjoins Oxspring Sports Field and is in very close proximity to the 'Waggon and Horses' Public House, which forms the historical centre and heart of the village. The development of the Oxspring Fields Proposals will therefore help to rebalance the parish, placing the key community facilities, including the sports ground and proposed community building, the Waggon and Horses public house, the post office and general store, the primary school and Saint Aidans church and community hall, at the Village's centre.

2.19 Within the recent Local Plan Additional Consultation Document (October 2015), BMBC proposed to re-designate a safeguarded land site located elsewhere in the Borough as Green Belt. Providing evidence that such a mechanism is available and can be utilised in respect of the Safeguarded Land North and South of Roughbitchworth Lane, Oxspring (Ref.SAF18). YLL's proposal is simply to seek the allocation of its Oxspring Fields site in place of the Safeguarded Land site SAF 18 to ensure the delivery of Oxspring's independently assessed housing needs and community aspirations. Given the Oxspring Fields site has minimal impact on the Green Belt and local infrastructure (roads/drainage); and its development will satisfy

identified housing needs and deliver an unprecedented number of community benefits to the local area, we consider our approach to be sensible and in accordance with relevant planning guidance.

2.20 We therefore believe that BMBC are in a defensible position to re-designate the existing Safeguarded Land Site SAF 18 as Green Belt, given that it meets a number of Green Belt functions, and in turn remove the Oxspring Fields site from the Green Belt and allocate it for housing development. The key reasons being as follows: -

- Local residents and Oxspring Parish Council have objected to the development of Site SAF18 for housing citing highways, drainage and availability issues.
- BMBC have the ability to remove land from as well as re-designate land within the Green Belt.
- The UDP identifies the historical settlement linkages between Penistone and Oxspring, and Oxspring's capacity to accommodate growth as a result.
- The BLPP identifies the need to release land from the Green Belt to meet the Borough's housing needs and proposes both safeguarded land designations and employment land allocations in the Parish of Oxspring, which recognises the settlement's capacity to accommodate future development.
- The Green Belt Review, whilst it doesn't include a full or specific assessment of Site SAF18, identifies that the retention of Site SAF18 as Safeguarded Land would weaken the integrity of the Green Belt on account of a lack of defensible boundaries and openness of the area immediately surrounding the site. A position that is entirely the opposite to that of our client's proposed development at Oxspring Fields where Arup identify that the Trans Pennine Trail within a disused railway (the southern boundary of the Oxspring Fields site) could represent a strong internal boundary.
- The 2013 SHLAA identifies Site SAF18 as a Category 2 housing site on account of identified deliverability issues, including impact on landscape character. The Oxspring Fields site is identified as a Category 1 'deliverable' housing site due to there being no suitability, availability and achievability concerns.
- Further assessment work undertaken by YLL's Landscape Consultants Smeeden Foreman, which has previously been submitted to BMBC and earlier consultations regarding the Barnsley Local Plan, has identified that the Oxspring Fields site performs better than Site SAF18 against a number of environmental concerns including the historic settlement/development pattern of Oxspring, landscape character and ecology.
- A Flood and Drainage report undertaken by 'Topping Engineers' has identified that site SAF 18 has a number of drainage issues which represent a significant risk to the deliverability and viability of the site for housing development.
- A further report by Topping Engineers sets out that a viable drainage scheme can be delivered to support the proposed Oxspring Fields development.

2.21 In addition to the factual points presented above, it is also abundantly clear that the Oxspring Fields development can deliver a myriad of community benefits that Site Ref.SAF18 simply cannot.

- 2.22 On the basis of the evidence provided above and that presented in proceeding sections of these representations we request that YLL's Oxspring Fields site be allocated for residential development.
- 2.23 Finally, we think it is important as this point to identify the clear inaccuracies in BMBC's 2016 Strategic Housing and Employment Availability Assessment (SHELAA) update work undertaken by ARUP in respect of the site. Enclosed with these representations is a letter from PBA, dated 19th August 2016 (enclosed in Appendix 6) which identifies "*factually incorrect information and seriously flawed assumptions in the Strategic Housing and Employment Land Availability Assessment Update 2016*".
- 2.24 In respect of the Oxspring Fields site, the letter starts by identifying that the 2013 Barnsley SHLAA identified the Hunningley Lane site as being a Category 1 development site that can be used in the Council's first five-year land supply. The PBA letter then seeks to respond to the SHELAA update work undertaken by ARUP in respect of the site, highlighting the erroneous information in the Arup assessment and providing the correct information in order to provide a balanced assessment of the site. The errors identified relate to nine of the assessment areas and in particular ARUP's proposed capacity of 444 homes, when it has been confirmed to the Council in numerous submissions that the site can accommodate approximately 150 dwellings, set around generous areas of public open space. Arup also incorrectly included the country park element of the proposed scheme within its assumed area of land available for housing.
- 2.25 The PBA letter concludes that the Oxspring Fields site should again be considered a deliverable residential development site. Accordingly, we request that the detailed information contained in their enclosed letter is reviewed by BMBC alongside these representations.

3.0 GREEN BELT REVIEW

3.1 This section of the document outlines YLL's identified concerns associated with the soundness of the BLPP in relation to: -

- The robustness of the Green Belt Review on account of its assessment not including existing safeguarded sites and the disregarding of Arup's key comments and conclusions associated with the further review of suggested sub-divisions of assessed areas.

3.2 Accordingly, this section of the representations identified YLL's grounds of **objection** to the following policies of the BLPP: -

- Policy LG2 – Location of Growth – BMBC's Policy associated with the failure to allocate suitable housing sites in Villages should be amended to enable the delivery of sustainable housing growth in villages that have identified housing needs.
- Policy H2 – Distribution of Growth - BMBC's Policy associated with the number of homes to be developed in Villages should be amended to enable sustainable growth via the delivery of housing sites suitable to meet identified housing needs.
- Policy GB1 – Protection of Green Belt – The Barnsley Green Belt should be amended to include YLL's development proposals on account of BMBC's own evidence base support and in order to enable sustainable growth at deliverable housing sites to help meet the identified qualitative and quantitative housing needs of the Borough.
- Policy GB6 – Safeguarded Land – A robust assessment of each of the existing safeguarded land sites in the Borough should have been undertaken as part of the Green Belt Review alongside a robust deliverability assessment of each site. Such an assessment would have enabled BMBC to gather sufficient evidence to re-designate/de-allocate safeguarded land including proposal Site Ref. SAF18 land North and South of Roughbitchworth Lane, Oxspring.

3.3 In 2014, 'Arup was appointed by BMBC to assist with the preparation of the Barnsley Green Belt Review, which form an important part of the evidence base of the Barnsley Local Plan. The purpose of the Green Belt review is to provide an independent and objective appraisal of the existing Barnsley Green Belt against the five nationally-defined purposes of the Green Belt.

3.4 An initial general concern is that the Green Belt Review did not undertake an assessment of any of the existing safeguarded land designations in the Borough against the five purposes of the Green Belt.

3.5 We consider it quite disconcerting that safeguarded sites were not assessed within the Barnsley Green Belt Review. Historical decisions taken over fifty years ago in respect of the allocation/designation of land and the pattern of settlement growth should not simply be repeated. The characteristics of both proposed development sites and the character of settlements and their surrounding area can substantially change over the course of time, as can planning policy and guidance. Furthermore, new and/or additional development sites can be promoted by land owners during a Development Plan Review which provide, in some

instances, more appropriate development opportunities in light of up to date evidence and planning policy.

- 3.6 As a starting point we believe that it is of paramount importance that when identifying site allocations and land designations within the emerging Barnsley Local Plan, an up to date assessment of all proposed and safeguarded development sites should be undertaken. Not simply newly proposed sites, especially where existing sites were removed from the Green Belt in the 1960's. Over 50 years ago.
- 3.7 In addition, we consider the identified land parcels of assessment to be too big in size and that they do not conform to existing physical boundaries which would on many occasions deliver strong, defensible, Green Belt boundaries. Such an approach is illogical.
- 3.8 The section of Arup's Barnsley Green Belt Review document which relates to the area closest to the Oxspring Fields site and the existing area of Safeguarded Land located within Oxspring (Site. SAF18) is the 'Penistone and Neighbouring Villages' report. Our client's Oxspring Fields development site is located wholly in assessed area PEN11. The existing Safeguarded Land (Site. SAF18) is located adjacent to assessed areas PEN2 and PEN11.
- 3.9 The North Western parcel of Site SAF18 is located adjacent to the eastern section of general area PEN2. The document identifies the following key points in respect of area PEN2: -
- Generally, safeguarded land and allocations made by the UDP proposals map do not strengthen this boundary but enforce its irregularity.
 - The existing Green Belt boundary is particularly weak to the south of Oxspring around Roughbirchwood Lodge.
 - Land at locations to the east of the assessed area are more open.
 - To the east of Long Lane, the existing Green Belt boundary is stronger, with the Trans Pennine Trail and the railway line providing permanent boundaries and checking further sprawl between Penistone and Oxspring.
 - The strength of the boundary at Roughbirchworth Lane is under pressure from development and is weaker where it reconnects with Oxspring; however, overall the Green Belt to the east of Long Lane fulfils Green Belt purposes to a greater degree.
- 3.10 It is clear from the Green Belt Review that the development of the North Western parcel of Site SAF18 would only aid in re-enforcing the area's weak defensible boundary irregularity and that a more appropriate long term defensible boundary would be the Trans Pennine Trail given the openness of the area to the east of Long Lane. A characteristic that provides justification for the retention of this area in the Green Belt.

- 3.11 The South Eastern parcel of Site SAF18 and our client's Oxspring Fields development site are located adjacent to and within general area PEN11 respectively. This report identifies the following key points in respect of area PEN11: -
- The Trans Pennine Trail within a dismantled railway could represent a strong internal boundary, should the General Area be considered for sub-division.
 - The Green Belt in PEN11 has sought to focus development to other land within Oxspring, although the area of safeguarded land off Roughbitchworth road will appear to weaken the integrity of the Green Belt.
- 3.12 With regard to the retention of Site SAF18 as Safeguarded Land within the emerging Local Plan and whilst the site was not directly included for assessment, the key conclusion of the Green Belt Review is that the site would *"appear to weaken the integrity of the Green Belt"*.
- 3.13 With regard to YLL's Oxspring Fields development proposals, the assessed area PEN11 covered land located either side of the Trans Pennine Trail, a key locational characteristic which we believe should have been used as the assessment area boundary. Particularly when considered against the conclusions of the assessment as identified above and the fact that the Oxspring Fields site is located on lower and less prominent ground to the East of the Trans Pennine Trail within the river Don Valley and adjoining the existing settlement of Oxspring.
- 3.14 The assessed area of PEN11 located to the North East of the Trans Pennine Trail, where our client's proposed Oxspring Fields site is located, benefits from a strong defensible boundary further to the North East in the form of the B6462/Sheffield Road. Whereas to the South west of the Trans Pennine Trail, where the southern parcel of Site SAF18 is located, there are no logical boundaries until Cross Lane, which is located almost 1km from the Trans Pennine Trail.
- 3.15 As a consequence, it can be reasoned that our client's proposals have not been assessed appropriately as they have been included within an assessment area where land to the West of the Trans Pennine Trail shares entirely different environmental characteristics to that located to the east of the Trans Pennine Trail where the Oxspring Fields site is located. Alongside the non-assessment of Site SAF 18 within the Green Belt Review, we believe this provides a further valid reason to warrant a review of the document prior to publication of further versions of the Barnsley Local Plan.
- 3.16 Furthermore, our client is also disappointed that the sizeable decommissioned Works site (identified as a 'depot' on the map of general area PEN11 and which they are now promoting for employment use as the Blackmoor Business Park) was not specifically identified as a further strong defensible boundary to the south eastern area of PEN11. If you include this boundary alongside the Trans Pennine Trail, the B6462/Sheffield Road and the existing settlement area of Oxspring located to the North West, it is clear that our client's Oxspring Fields site benefits from strong, defensible and enduring boundaries on all sides. The same cannot of course be demonstrated for Site SAF 18 which was not directly assessed as part of the Green Belt Review.

- 3.17 Similar concerns to those that we raise above in respect of the soundness of the Green Belt Review have also been identified by Inspector Stephen Pratt, whom criticised the Green Belt assessment used to inform the emerging Cheshire East Local Plan, which was also undertaken by Arup. In his 'Interim Views' report, which consequently resulted in the suspension of the examination hearings, Inspector Pratt concluded that the process and evidence relating to the proposed amendments to the Green Belt were flawed. The following paragraphs from the report highlight the Inspector's key concerns: -

'...in some cases, land which makes a major or significant contribution to the Green Belt is proposed for release, whilst other sites which only make a limited contribution to the Green Belt do not seem to have been selected. Although the release of land from the Green Belt was based on several factors, this suggests that insufficient weight may have been given to the status and value of certain sites in Green Belt terms compared with other factors such as land ownership, availability and deliverability, when preparing and finalising the plan.'

Inspector Pratt, Interim Views, para 83

'...although the assessment does not recommend the release of specific sites and aims to identify strategic land parcels, it seems somewhat inconsistent in assessing relatively large tracts of land in some cases, whilst dealing with much smaller sites in other areas; it may not be as finely grained as it could have been, omitting some smaller parcels of land on the fringes of settlements which might have had less impact on Green Belt purposes.'

Inspector Pratt, Interim Views, para 85.

- 3.18 We believe that a more detailed Green Belt assessment should be undertaken which considers each of the points we raised above. Without the undertaking of this further work we are of the view that it is highly probable that an inspector will also find the Barnsley Green Belt Review flawed for similar reasons to those identified above, which could lead to the whole emerging Barnsley Local Plan being considered unsound.
- 3.19 Whilst we have concerns over the soundness of the Green Belt Review for the reasons identified above, it is also apparent from this element of BMBC's own evidence base that there is no robust, up to date, justification for the retention of Site SAF 18 as a Safeguarded Land designation for future housing development. Even without a site specific assessment of Site SAF 18, clear evidence is presented in the Green Belt Review which identifies that the retention of the site as Safeguarded Land weakens the integrity of the Green Belt on account of a lack of defensible boundaries and openness of the area immediately surrounding the site. A position that is entirely the opposite to that of our client's proposed development site at Oxspring Fields. Where Arup identified that the Trans Pennine Trail within a dismantled railway (which forms the Southern Boundary of the Oxspring Fields site) could represent a strong internal Boundary.

- 3.20 Finally, when the conclusions we identify above are considered against those presented in the 2013 Barnsley SHLAA, which identifies Site SAF18 as a Category 2 development site on account of deliverability issues, including impact on landscape character, and our client's Oxspring Fields site as Category 1 site due to there being no suitability, availability and achievability concerns; it is unquestionable that the Oxspring Fields site represents a far superior residential development site.
- 3.21 We believe that the evidence provided above gives weight to YLL's proposal for the release of their Oxspring Fields site from the Green Belt in exchange for Site SAF 18 which can be returned to Green Belt designation, resulting in no significant nett loss of Green Belt land within Oxspring.
- 3.22 In addition to the above, YLL's Landscape Consultant, Smeeden Foreman, prepared a Landscape Statement in May 2014 which has previously been submitted to BMBC for their consideration in the preparation of the Barnsley Local Plan. The document is enclosed within Appendix 7. The document considers the historical settlement pattern of Oxspring, the baseline environmental position of both Site SAF 18 and YLL's Oxspring Fields development site and their potential environmental impact on the character of Oxspring should they be developed.
- 3.23 Over the last two centuries, the settlement of Oxspring has developed in a linear form along the River Don valley, with isolated rural farmsteads and small hamlets scattered over the remaining landscape. When the Railway arrived in the mid-19th Century (Now identified as the 'Trans Pennine Trail'), it provided another strong boundary to the southwest providing an additional force to influence the already established linear pattern of development along the River Don Valley. The Combination of River and Railway has thus provided the syntax and framework for a strong linear pattern of development in this location over the last two centuries. This can be seen from the photographs contained within Appendix 8.
- 3.24 More recently during the late 20th century and early 21st century, development has contravened this established historic development pattern by moving to the southwest of Oxspring towards the hamlet of Roughbitchworth. Any further development towards Roughbitchworth would therefore both ignore and conflict with the historic linear pattern of development and effectively cause coalescence between the settlements.
- 3.25 With regards to Site SAF18 the enclosed Landscape Statement identifies that further development to the southwest would both ignore and conflict with the historic linear pattern of development in the Don Valley area. It further stated that: -

Development to the southwest of Oxspring, toward Roughbitchworth, is already beginning to encroach upon the rural nature of the hamlet. Further development towards Roughbitchworth is likely to have a profound impact on the rural nature of this hamlet and effectively begin a coalescence between these two settlements. In addition, this site clearly

has a more arbitrary boundary with no natural or clear edges which could help define a barrier for future development.

- 3.26 In comparison the Landscape Statement identifies that YLL's Oxspring Fields development proposal: -

"Represents a natural extension of the historic settlement pattern along the River Don valley between two clear, strong and defensible boundaries; the River Don and the old railway line and embankment. Furthermore, the site is also sandwiched between two existing areas of development; Oxspring village to the northwest and the largely disused industrial site to the southeast, creating clear, well defined barriers to prevent further expansion."

- 3.27 Enclosed with these representations is an annotated Aerial Photograph of site SAF 18 (Appendix 9), which clearly evidences that the North Western part of that site lacks any physical boundary and does not even follow a logical field pattern. The remaining boundaries are formed only by weak dry stone walls, which are abundantly present throughout the area and cannot be considered a credible long term, permanent and defensible Green Belt Boundary. Arup themselves recognise such a feature as a soft boundary lacking in durability at page 18 of their Barnsley Green Belt Review Approach and Method report. By contrast, the Oxspring Fields site benefits from four existing strong physical and defensible boundaries, as described above.
- 3.28 Furthermore, in respect of retaining the historic linear settlement pattern of Oxspring, enclosed is the Draft Local Plan proposal map 51 on which YLL's proposed Oxspring Fields site has been superimposed and is identified with a red dot (Appendix 10). This enclosed plan provides further evidence that the development of the Oxspring Fields site would provide a natural extension to the historic settlement pattern of Oxspring. The North Western Boundary of the Oxspring Fields site is only 140 metres distance from the Waggon and Horse Public House which forms the Historical Centre and Heart of Oxspring.
- 3.29 The Smeeden Foreman Landscape Statement also includes a comparison of the Site SAF 18 (identified using the site's previous reference: LD10) against our client's Oxspring Fields development site considering a variety of assessment areas. The conclusions reached are provided in the table below. The evidence provided to substantiate these conclusions is set out in the enclosed Landscape Statement.

SUMMARISED COMPARISON OF THE PROPOSED SITES LD10 AND OXSPRING FIELDS		
	LD10	Oxspring Fields
Mitigation and restoration	The size of LD10 provides limited opportunities for additional mitigation planting or restoration of boundary walls.	Oxspring fields provides a generous mitigation area with proposals to plant significant screening vegetation. Proposals also include ground modelling and restoration of derelict dry stone walls. Furthermore, the site is well screened by existing landform and topography; the visual screen provided by the old railway embankment and its location at the lower part of a valley.
Ecology and green infrastructure	Initial ecology assessment suggests high badger activity with what appears to be a main sett within the site which could be impacted by development. There are not currently any plans for this site that would suggest any consideration for ecological improvements or green infrastructure.	Initial ecology assessment suggests some badger activity adjacent to the site, although there was no evidence of a main sett nearby. Furthermore, this site represents an opportunity to create an overall net gain in terms of habitat and biodiversity due to generous mitigation areas and introduction of a number of habitats defined by the local Biodiversity Action Plan. Site proposals would also contribute to the wider green infrastructure and flood alleviation in the Don Valley area.
Transport and local services	This site would rely on minor roads running through a residential area to connect to the main road through the village, the B6462. Thus creating unnecessary intrusions into the lives of residents in this area. No bus stops adjacent to site.	This site would connect directly to the B6462 Sheffield Road, minimising potential intrusions on local residents. Proposals also connect the site directly to the Pennine way cycle and pedestrian route and local bus routes. There is a bus stop adjacent to the site.
Settlement Pattern	This development contradicts the existing centuries old linear settlement pattern that has developed and would impact upon the rural nature and identity of the adjacent hamlet of Roughbitchworth, forming the beginnings of a coalescence with this neighbouring settlement. Furthermore, there are no strong or well defined boundaries to this development that might help to define a clear interface between settlement and green belt.	This site respects the existing historic linear settlement pattern between the well-defined existing boundaries of the river and old railway line. It is further defined by the B6462 Sheffield Road, and adjacent, largely disused industrial site.
Leisure and Recreation	The size and location of this site would severely limit the possibilities for the introduction of, or improvements to, leisure and recreation facilities. There are not currently any plans for this site that would suggest any consideration for leisure or recreation improvements	The Oxspring fields Leisure & recreation proposals include: <ul style="list-style-type: none"> • Improvements to the existing sports field by creating a community/ sports centre and associated play area; • Additional woodland recreational area and walking routes; • New and improved connectivity to existing walking & cycling routes; • Additional walking route and connection to Trans Pennine Trail

- 3.30 In addition to the Landscape Statement, Smeeden Foreman subsequently prepared a response to the Barnsley Green Belt Review on behalf of YLL. The response dated 23rd December 2014 is enclosed with these representations (Appendix 11) and concludes that: -

“Our (landscape) report reinforced what is apparent to even casual observation which is that the SAF18 site is as equally capable of supporting Green Belt purposes as any other area in (General Area) Pen11. Furthermore, it was our opinion that development of SAF18 was harmful to the Green Belt, in part because there was a danger of coalescence with the hamlet of Roughbriarworth and most importantly because it entirely ignored the important principle that new Green Belt boundaries should be clearly defined by enduring physical boundaries.”

“It is our assessment that the aspirations of the Neighbourhood Plan committee to deliver benefits for Oxspring; the resolve of the planning officer to respect and reflect the historic pattern of the settlement of Oxspring; and the support provided by the Green Belt Study for Pen11 all serve to question the value of the proposed SAF18 designation and reinforce our positive assessment of the landscape benefits, amongst others, that would arise were the Oxspring Fields site to become the preferred option to deliver the Council’s objectives for a mix of housing types for Oxspring”.

- 3.31 It is clear that the further assessment work undertaken on behalf of our client confirms that no robust evidence is presently available to justify the retention of Site SAF 18 as Safeguarded Land in the emerging Barnsley Local Plan. In contrast, an abundance of evidence is available to support the identification of our client’s Oxspring Fields site as a housing land allocation.
- 3.32 It is important to note here that within this section of the document we have not made reference to the large number of housing and community benefits that the Oxspring Fields development will also deliver to the area, which Site SAF 18 cannot. This information is presented within Section 2 of these representations.
- 3.33 The Landscape Statement prepared by Smeeden Foreman, referred to above, also includes an assessment of Site SAF18 (identified using the site’s previous reference: LD10) and our client’s Oxspring Fields development proposals against the nationally defined five Green Belt purposes. The conclusions reached are provided in the table below. Again, the evidence provided to substantiate these conclusions is set out in the enclosed Landscape statement.

GREENBELT 5 PURPOSES CHECKLIST	LD10	OXSPRING FIELDS
1) Checks the unrestricted sprawl of large built-up areas	NO - Increases potential for sprawl due to poorly defined and arbitrary boundaries	YES - Decreases potential for sprawl being contained within well defined, strong boundaries
2) Prevents neighbouring towns merging into one another	NO - This development will begin a coalescence with the neighbouring hamlet of Roughbitchworth	YES - Does not encroach on any neighbouring settlements
3) Assists in safeguarding the countryside from encroachment	NO - Increases potential for encroachment due to poorly defined and arbitrary boundaries, exposed position and lack of provision for mitigation	YES - Due to strong physical boundaries, this site is a natural end to development in this area. Significant provision for mitigation proposals will help to blend the site in to the landscape
4) Preserves the setting and special character of historic towns	NO - Contradicts historic development pattern of Oxspring. No provision for character improvements	YES - Preserves historic development pattern of Oxspring, improves village approach, restores drystone walls and includes a generous amount of woodland, mitigation planting and habitat development
5) Assists in urban regeneration, by encouraging the recycling of derelict and other urban land	NO - There are no current plans for this site to encourage the regeneration of any derelict urban land	YES - Provides partial assistance with regeneration of derelict land around Penistone station through funds generated from the development of this site

3.34 The conclusions of the landscape assessment provided above present further justification that Site SAF18 fulfils identified purposes of Green Belt. Whereas the Oxspring Fields site does not and that it's development could also strengthen the Green Belt in the surrounding area of the site and settlement.

3.35 As a consequence, it is clear that our client's Oxspring Fields site out-performs the existing Safeguarded Land Site SAF18 in respect of Green Belt characteristics.

3.36 The ARUP Barnsley Green Belt Review identifies a Methodology Flow Diagram for Green Belt Review in Figure 1.1. The figure is presented within each of the statements associated with the assessed areas of the Borough and in respect of the Oxspring Fields site it can be found on Page 5. The methodology contains three stages. The bullet points below briefly assess the Oxspring Fields site against each of the three stages utilising the evidence provided above: -

1. *Does the assessment demonstrate that the current green belt is not fulfilling the purposes as defined in NPPF?*

Yes. Both ARUP's own assessment and the further work undertaken by Smeeden Foreman identify that not only does the Oxspring Fields site not fulfil any Green Belt purposes, but that the site's development could also strengthen existing weak Green Belt boundaries in this location.

2. *Does the assessment demonstrate that land is suitable and has least constraints?*

Yes. The site is identified as a Category 1 deliverable residential development site within the 2013 SHLAA. Accordingly, there are no constraints associated with the development of new homes at the site. As BMBC accept that land is needed to be released from the Green Belt to deliver the Borough's housing and employments needs, the release of such sites should be given priority where they do not fulfil Green Belt purposes.

3. *Does the assessment demonstrate that new land parcel meets green belt purposes as defined in NPPF?*

Yes. For the reasons identified above the site should be removed from the Green Belt. Its removal would both strengthen the surrounding Green Belt through the delivery of long term defensible boundaries, whilst in turn providing a deliverable residential development

site that can contribute to meeting the Borough's housing needs alongside the identified housing needs and aspirations of the local community.

3.37 In view of the above evidence, to reiterate, YLL believe that BMBC are in a defensible position to re-designate Site SAF 18 as Green Belt, given that it meets a number of Green Belt functions, and in turn remove the Oxspring Fields site from the Green Belt and allocate it for housing development. The key reasons being as follows: -

- Local residents and Oxspring Parish Council have objected to the development of Site SAF18 for housing citing highways, drainage and availability issues.
- The UDP identifies that BMBC have the ability to remove as well as re-designate land within the Green Belt.
- The UDP identifies the historical settlement linkages between Penistone and Oxspring, and Oxspring's capacity to accommodate growth as a result.
- The BLPP identifies the need to release land from the Green Belt to meet the Borough's housing needs and proposes both safeguarded land designations and employment land allocations in the Parish of Oxspring, which recognises the settlement's capacity for future development.
- The Green Belt Review, doesn't include a full assessment of Site SAF18, but does identify that the retention of Site SAF18 as Safeguarded Land would weaken the integrity of the Green Belt on account of a lack of defensible boundaries and openness of the area immediately surrounding the site. A position that is entirely the opposite to that of our client's proposed Oxspring Fields site.
- The 2013 SHLAA identifies Site SAF18 as a Category 2 housing site on account of identified deliverability issues, including impact on landscape character. The Oxspring Fields site is identified as a Category 1 'deliverable' housing site due to there being no suitability, availability and achievability concerns.
- Further assessment work undertaken by YLL's Landscape Consultants identifies that the Oxspring Fields site performs better than Site SAF18 against a number of environmental concerns including the historic settlement pattern, landscape character and ecology of Oxspring.
- Further assessment work undertaken by YLL's Landscape Consultants identifies that Site SAF18 fulfils identified purposes of Green Belt and that its development would be harmful. Whereas the Oxspring Fields site does not fulfil identified purposes of the Green Belt and its development could also strengthen the Green Belt in the surrounding area of the site and settlement.

3.38 As set out above, BMBC are aware that YLL have consulted with Leading Counsel Sasha White QC in respect of the evidence provided above in relation to the Oxspring Fields proposals. Sasha White QC's opinion is enclosed with these representations (Appendix 2). The key points raised by Sasha White QC in respect of the evidence presented above were as follows: -

- ***Para 26 - The fact that a particular site such as SAF18 is unsuitable for development (in landscape terms) and/or undeliverable could be regarded as supporting the development of land elsewhere to meet the needs of the area. In this case, it appears that there are real planning objections to the development of SAF18, including from the Parish Council which is promoting a Neighbourhood Plan.***
- ***Para 26 - Given that the NPPF provides that safeguarded land may only be developed following its allocation in a local plan, the existence of these unresolved objections is material to whether SAF18 should be allocated for development, or alternatively should be included in the Green Belt through the Local Plan process. Given the position with respect to SAF18, it follows, in my view, that proper consideration must be given to meeting Oxspring's growth needs in other ways (i.e. through the release of Green Belt land).***

- ***Para 27 - It is striking that this issue is not engaged with in the Green Belt review. It would seem to me that the fact that the growth requirements of the settlement cannot properly be met outside the Green Belt designation would strengthen considerably the case for a careful review of all options for development within the Green Belt. To this extent, I would respectfully suggest that the Arup reports fall short.***
- ***Para 28 - Further, on the facts relating to the two YLL sites, it would seem to me that there has been a clear failure properly to analyse the merits of releasing land from the Green Belt consisting of smaller areas than the general areas identified in the review. Whilst in other locations the Green Belt review process leads to an analysis of "resultant parcels" where release could be considered, there is no such analysis in respect of the YLL sites. I consider this at least arguably unsound given that in the case of both PEN11 and UB12 (discussed further below), the Arup reports recognise (a) the absence of defensible boundaries for the whole of the general areas but (b) the existence of features within the general areas which could form defensible Green Belt boundaries. It seems to me that a sound Green Belt review should, when faced with that evidence, go on to consider whether the purposes of the Green Belt in that location could be served by adjusting the boundary to reflect the defensible boundaries identified (i.e., the Trans Pennine Trail in PEN11 and the operational railway line in UB12). I can see no consideration whatsoever of that possibility.***
- ***Para 29 - The effect of this lack of analysis is particularly acute given that neither of the YLL sites appears to fulfil the purposes of Green Belt as identified in the NPPF.***
- ***Para 30 - In those circumstances, my view is that the Arup Green Belt review lacks robustness, at least in respect of the two sites which YLL promotes for development.***
- ***Para 30 - In the case of Oxspring Fields, the Arup analysis fails to take into account the planning merits of the development of SAF18, and thus fails to recognise the potential need for Oxspring's housing needs to be met within the Green Belt. Further, it fails to consider the consequences of its own conclusions that general area PEN11 lacks defensible boundaries but that such a boundary does exist within the allocation.***

3.39 It is our opinion that there are no reasonable planning grounds for the Council to maintain their stance in respect of the retaining the Oxspring Fields site within the Green Belt. The site clearly does not meet any of the identified Green Belt purposes and the site's release would be consistent with BMBC's decisions associated with the release of other land from the Green Belt and importantly enable the delivery of housing and unrivalled community benefits to meet the identified housing needs and community facilities aspirations of Oxspring, which are otherwise undeliverable.

4.0 DISTRIBUTION OF HOUSING GROWTH TO VILLAGES

4.1 This section of the document outlines YLL's identified concerns associated with the soundness of the emerging Barnsley Local Plan specifically in relation to: -

- That the approach of identifying no housing allocations within the designated Villages will result in the identified housing needs of these settlements not being met in the Plan Period up to 2033;

4.2 Accordingly, this section of the representations identifies YLL's grounds of **objection** to the following policies of the BLPP: -

- Policy LG2 – Location of Growth – BMBC's Policy associated with the failure to allocate suitable housing sites in Villages. We believe that this should be amended to enable the delivery of sustainable housing growth in villages that have identified housing needs.
- Policy H2 – Distribution of Growth - BMBC's Policy associated with the number of homes to be developed in Villages. We believe that this should be amended to enable sustainable growth via the allocation of housing sites suitable to meet identified housing needs.
- Policy GB1 – Protection of Green Belt – The Barnsley Green Belt should be amended to include YLL's development proposals on account of BMBC's own evidence base support and in order to enable sustainable growth at deliverable housing sites to help meet the identified housing needs of the Borough.
- Policy GB6 – Safeguarded Land – A robust assessment of each of the existing safeguarded land sites in the Borough should have been undertaken as part of the Green Belt Review alongside a robust deliverability assessment of each site. Such an assessment would have enabled BMBC to gather sufficient evidence to re-designate/de-allocate safeguarded land including proposal Site Ref. SAF18 land North and South of Roughbitchworth Lane, Oxspring.

4.3 The results of an independent Housing Needs & Capacity Assessment for Oxspring undertaken by consultants 'URS' and published in 2014 (Appendix 3) have significant implications in respect of the soundness of the Barnsley Local Plan if changes are not made to the policies referenced above.

4.4 As identified in Section 2 above, the URS Housing Needs & Capacity Assessment (the URS Study) was prepared on behalf of Oxspring Parish Council in order to assess Oxspring's 'fair share of development' which would subsequently inform the policies and proposals of the Oxspring Neighbourhood Plan. The document concludes by identifying the need to deliver between 53 and 68 new homes in the Village during the period 2008 to 2026 (which is based on the current Barnsley Core Strategy timescale 2008-2026), circa 4 homes per annum. The document identifies a need for a range of house types, including affordable housing.

4.5 The figures presented in the document were generated using an assessment of the population projections at that time, alongside other available evidence. It is important to state here that updated population projections were published earlier this year. In addition, the BLPP now seeks to identify local planning policies for the Borough up to the year 2033, 7 additional years of housing need which is unaccounted for in the URS Study. There is therefore reasonable

justification for the figures identified in the URS Study to be increased accordingly to a level closer to 96 new homes.

- 4.6 The results of the URS Study present an overriding issue for the aforementioned policies contained within the BLPP as the document does not include policies which seek to meet the identified housing needs of Oxspring Village.
- 4.7 The current adopted Barnsley Core Strategy identifies the following key points in respect of the delivery of new homes within the Villages: -
- Paragraph 6.5 – Since it is considered that the planned growth with respect to housing numbers can be accommodated without the need to encroach into the Green Belt, there will be no full scale review of the Green Belt during the plan period. A localised review will take place and will include minor changes to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries.
 - Oxspring is defined as a Village in the settlement hierarchy and Villages are considered to be settlements with a population below 3000. They vary in size from larger villages to small hamlets but are generally characterised by a limited range of services and relatively poor public transport (a point which we contest below);
 - Policy CSP8 – Location of Growth – Development will only be allowed in villages if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs;
 - Policy CSP10 – The Distribution of New Homes – The delivery of 5% or 1,000 new homes within other settlements;
 - Paragraph 7.86 - Housing development in the villages outside the Principal Towns will be constrained however CSP10 provides for 1000 homes in the villages over the plan period. A considerable proportion of this (500 homes) will be taken up by existing commitments. The remainder is likely to occur on small infill sites sensitive to Green Belt policy.
 - Policy CSP15 – Housing developments of 15 or more dwellings will be expected to provide affordable housing. 25% affordable housing will be expected in Penistone and the rural west. These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable.
- 4.8 The Core Strategy identifies that the allocation of housing sites would be considered in the Development Sites and Places DPD. The draft Sites & Places Development Plan Document published October 2012 sought to allocate the existing Safeguarded Land site within Oxspring (Site SAF18) for a low density housing development of circa 111 homes. As identified in Section 3 above, the proposed allocation of Site SAF18 was objected to by YLL, Oxspring Parish Council, local residents and representatives on account of land ownership, highways and drainage issues.
- 4.9 Following the publication of the NPPF, BMBC decided to progress with a new Local Plan and thus abandoned work on the Sites & Places Plan. The BLPP now identifies the following key points in respect of the delivery of new homes within the Villages: -

- Paragraph 3.24 – Our housing and employment needs and aspirations cannot be accommodated without the need to release land from the Green Belt.
- Policy LG2 – Location of Growth – Development will be allowed in villages if it is consistent with Green Belt policy and is necessary for the viability of the settlement and to meet local needs;
- Policy H2 – The Distribution of New Homes – The delivery of 3% or 680 new homes within other settlements. All of which relate to sites with planning permission.
- Paragraph 5.4 - Development in villages will be encouraged where it meets local needs and supports vitality, the local village economy and viability of the local community. Whilst no allocations for this plan period have been put forward in this Local Plan, development may take place in villages where it is allocated through a Neighbourhood Plan or delivered through a Community Right to Build Order.
- Paragraph 5.59 - Oxspring is defined as a Village in the settlement hierarchy and Villages are considered to be settlements with a population below 3000. They vary in size from larger villages to small hamlets but are generally characterised by a limited range of services and relatively poor public transport (a point which we again contest). Some are close to towns and others are in the Green Belt.
- Policy H8 – Housing developments of 15 or more dwellings will be expected to provide affordable housing. 30% affordable housing will be expected in Penistone and the rural west. These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable.

- 4.10 YLL previously responded to the Draft Barnsley Local Plan to object to the policy approach of not seeking to identify any housing land allocations in Oxspring. They believe that the “U-turn” in the Council’s approach from the Draft Sites & Places Plan (October 2012) is not based on sound evidence in respect of ignoring the identified need for the provision of higher value, low density executive/family homes in the west of the Borough to help achieve BMBC’s economic aspirations and objectives for the Borough (as set out within the adopted Economic Strategy), BMBC’s Green Belt Review (discussed above) and also because the current approach will not meet national planning policy in respect of satisfying both the market and affordable housing needs required to sustain the vitality and viability of Oxspring and its facilities.
- 4.11 The findings of the URS Study for Oxspring therefore confirm and add weight to YLL’s judgment. Especially when it is considered that the study has been commissioned independently by ‘Planning Aid England’ and prepared by professional consultants ‘URS’ to provide ‘specialist advice’ on behalf of Oxspring Parish Council.
- 4.12 In comparing the evidence presented in the URS Study alongside the approach promoted by BLPP, with regard to delivering the housing needs of Villages upon small Non-Green Belt Windfall sites, PBP undertook an assessment of the available non-Green Belt housing sites located within Oxspring (Non-Green Belt Windfall and Safeguarded Land Housing Deliverability and Capacity Assessment – July 2015 which is enclosed in Appendix 12) to identify whether there are sufficient deliverable sites to meet Oxspring’s identified housing needs in the Barnsley Local Plan period to 2033.

- 4.13 The findings of the assessment are clear in that there are no deliverable non-Green Belt sites that could meet the Village's identified housing needs. Though the existing safeguarded site is completely unsupported by local residents and the Parish Council, it is the only non-Green Belt site that could meet the Village's housing needs in respect of its size. However, our assessment also identifies that site SAF18 is not currently deliverable for a number of reasons, including an unwilling landowner. An assessment that aligns with the findings of the Barnsley SHLAA which identifies that the site (SHLAA Identifier Reference 341) is a 'category 2' site on account of suitability constraints.
- 4.14 Further evidence in respect of an assessment of the deliverability of the Safeguarded Land site SAF18 can also be found in the YLL letter dated 16th February 2016 (enclosed in Appendix 13) and our assessment of draft housing allocations and safeguarded land sites in Penistone dated July 2016 which is enclosed in Appendix 14. Furthermore, YLL recently commissioned two separate Flood & Drainage Feasibility assessment by Topping Engineers, (enclosed within Appendix 15) which provide technical evidence of the deliverability of YLL's Oxspring Fields proposal alongside further evidence that the Safeguarded Land site (Ref.SAF18) is undeliverable in respect of drainage feasibility/viability issues.
- 4.15 Our capacity assessment dated July 2015 (enclosed at Appendix 12), concludes that the only way in which Oxspring's market and affordable housing needs can be met is through the allocation of YLL's Oxspring Fields site and that the re-designation of the Safeguarded Land site as Green Belt on account of identified issues, will ensure that there is no significant loss of Green Belt land within the vicinity of the Oxspring. As mentioned above, the Council's Local Plan Additional Sites Consultation published October 2015 includes within it BMBC's proposal to re-designate existing safeguarded land as a Green Belt allocation and thus provides evidence of BMBC's capability to re-designate the Safeguarded Land Site SAF18 as Green Belt, specifically on account of the evidence presented within the SHLAA, ARUP Green Belt Review and separately in our own assessments of the site, as identified above.
- 4.16 We believe that the Council should not retain a safeguarded land designation if it is simply undeliverable for the proposed use it is being safeguarded for. In this instance residential development.
- 4.17 In addition to the above, both the Barnsley Core Strategy and BLPP identify that only housing developments of 15 or more dwellings will be expected to provide affordable housing. The BLPP further states that where the need for affordable housing is proven in rural villages, which cannot be met on infill sites or in nearby larger settlements, small scale rural exception sites will be supported either within the village or as small extensions to the village as a means of providing affordable housing (including within the Green Belt).

- 4.18 As identified above, our assessment of potential housing sites located in Oxspring finds that there are no deliverable development sites capable of accommodating 15 or more dwellings located within the defined development limits of the Village. Accordingly, on account of the Council's current policy approach the only way in which the identified affordable housing needs of the Village could be met is through the release of a rural exception site within the Green Belt. There is currently no evidence that rural exception sites will come forward in the future and if such development schemes were viable propositions then they would have come forward in the last decade as a similar policy regarding Green Belt exception sites also formed part of BMBC's adopted Unitary Development Plan (December 2000). They clearly have not. BMBC cannot therefore rely on such developments to deliver the affordable housing needs of Villages.
- 4.19 Further to the above, the Draft Oxspring Neighbourhood Plan, proposes the policy that *new housing developments in Oxspring on sites of 0.4ha or less and for between two and nine houses, will be supported where house types, sizes and tenures meet identified local needs.*
- 4.20 The Draft Oxspring Neighbourhood Plan also identifies in paragraph 6.1.4 that the long term viability of the Parish is compromised by the lack of affordable housing and paragraph 6.1.5 confirms that the findings of the URS Housing Needs and Capacity Assessment demonstrate that in the interest of providing suitable housing for local people, retaining young people, families and older people wanting to downsize and thus having a sustainable and balanced population, a small amount of housing growth is critical.
- 4.21 On account of the current approach of both the BLPP and the Draft Oxspring Neighbourhood Plan the only way in which new homes could be delivered in Oxspring is through the development of any windfall sites which may arise or through conversion developments, providing a net increase of only circa 1 or 2 new homes per development. Evidently, this will not enable the delivery of the required number of new market or affordable housing to meet the evidenced housing needs of Oxspring set out within the URS Housing Needs and Capacity Assessment.
- 4.22 Within the Draft Oxspring Neighbourhood Plan there is reference to Oxspring's identified housing needs (including affordable) being met through the delivery of new homes in Penistone. We consider this to be quite a preposterous notion that, if anything, 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 (a highly important consideration which is discussed in Section 5 below).

- 4.23 Not only does Penistone have its own identified market and affordable housing needs to meet, but the concept of forcing those in housing need who presently live with their family in Oxspring and are seeking homes of their own; who currently live outside of the area and wish to move to Oxspring like others have before them; or those who have left the Village and wish to move back: to reside in another settlement away from their families and friends is socially unethical.
- 4.24 Especially when there are planning mechanisms available to allow the release of a deliverable housing site that has a minimal impact on the character of the Village and the Local Landscape and which will also deliver a myriad of long desired and otherwise undeliverable community benefits. This is of course our client's site at Oxspring Fields.
- 4.25 Again, the only suitable housing site within the vicinity of the Village which is both deliverable and of a sufficient size to deliver both the market and affordable housing needs of Oxspring is our client's Oxspring Fields development site. Currently, about half (3.17 Hectares or 7.83 Acres) of the Oxspring Fields housing site is included within the adopted Oxspring Neighbourhood Plan Area boundary, and this area could accommodate circa 100 new market and affordable homes to meet the housing needs of Oxspring.
- 4.26 Finally, BMBC's approach in respect of not allocating housing sites within the defined Villages also contradicts recent planning decisions that have been made in the Borough. YLL's letter to Oxspring Parish Council dated 16th February 2016 (Appendix 13) includes a number of extracts from recent BMBC committee reports which relate to two new housing developments located in two of the Borough's Western Rural Villages and which were approved at Planning Committee. One in Hoylandswaine and one in Ingbirchworth. In considering these separate planning applications, the sustainability credentials of both settlements were considered and deemed suitable for residential development. As is demonstrated in YLL's letter at Appendix 13, Oxspring is far more sustainable than either of these settlements. Unlike either Hoylandswaine and Ingbirchworth Oxspring adjoins the built form of the Principal Town of Penistone, this clearly puts beyond question Oxspring's credentials as a sustainable settlement given Oxspring has more services and facilities and has better accessibility to Penistone and the wider strategic transport network than either Hoylandswaine or Ingbirchworth.
- 4.27 Within the committee reports BMBC identify that the delivery of affordable housing is an important requirement of the Strategic Housing Market Assessment (SHMA) and that this weighted heavily within the decision making process. As discussed above the only way affordable homes will be delivered in Villages and especially in Oxspring, is through the allocation of viable sites above 15 dwellings in size. It is also important to point out that it is the SHMA alongside BMBC's Adopted Economic and Housing Strategies (discussed further in Section 6 below) which identifies the specific need for detached executive/family housing in

the Borough, with the Western part area of the Borough being identified as the best market location for the delivery of these types of homes. When considering the whole of the SHMA collectively, it is evident that this adds further weight towards the allocation of our clients Oxspring Fields site.

- 4.28 As a consequence of the points we raise above, neither the emerging BLPP or the Draft Oxspring Neighbourhood Plan support the provision of fair and accessible housing for local needs and local people. Consequently, the independently identified housing needs of Oxspring will simply not be satisfied unless amendments to the current approach of BMBC are made. For this reason, we consider the BLPP to be unsound.
- 4.29 It is clear that Oxspring has historically been considered a sustainable location for growth. Just because BMBC's policy position in respect of development in the Villages has changed, doesn't mean that Oxspring should now not be considered a sustainable settlement. Indeed, there is the very risk that should BMBC maintain their current approach to restricting development in the Borough's Villages then such Villages will become more un-sustainable as the existing services and facilities are used less and less.
- 4.30 To reiterate, the Draft Oxspring Neighbourhood Plan identifies in paragraph 6.1.4 that the long term viability of the Parish is compromised by the lack of affordable housing and paragraph 6.1.5 confirms that the findings of the URS Housing Needs and Capacity Assessment demonstrate that in the interest of providing suitable housing for local people, retaining young people, families and older people wanting to downsize and thus having a sustainable and balanced population, a small amount of housing growth is critical.
- 4.31 BMBC are aware that YLL have consulted with Leading Counsel Sasha White QC in respect of the evidence provided above in relation to the identified housing needs of Oxspring. Sasha White QC's Legal Opinion is enclosed with these representations (Appendix 2). The key points raised by Sasha White QC in respect of the evidence presented in this section of the representations are as follows: -
- ***Para 36 - In my opinion the URS study is plainly a material consideration which the Council must take into account in preparing the BLP. Given the fact that it has been independently prepared by a specialist consultancy, and has specifically grappled with the question of Oxspring's local needs, I would suggest that it should be given full weight in considering the need for new housing in Oxspring.***
 - ***Para 38 - In my opinion, the error of analysis on the part of the Council in respect of development in villages is closely linked to the approach to Green Belt. The Council has failed, it would seem, to consider the needs of individual villages in (a) reviewing its Green Belt and (b) setting restrictive development policies for villages. I can see no evidence in the documents provided to me that there has been proper consideration of meeting local needs in Oxspring. I agree with those instructing me***

that the approach to the BLP appears to conflict with the URS study which identifies some relatively substantial need for market and affordable housing in Oxspring.

- ***Para 39 - The Council's approach is at least arguably 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. It follows in my view that the provision of new housing in the form proposed by YLL at Oxspring should properly be regarded as a sustainable form of development.***
- ***Para 40 - Accordingly, in my opinion the BLP as currently drafted appears to fail properly to consider (a) the development needs of Oxspring, as evidenced by the URS report (b) whether those needs, including the provision of affordable housing, can be best met through extension to the village. It may be that this approach is predicated on a false assumption that SAF18 must be allocated for development in the BLP, such that other substantial housing sites in Oxspring are not required. There is no requirement that SAF18 is allocated for development in this plan period. The sustainability of that solution should be assessed against other options, including Oxspring Fields. A failure to carry out such an assessment could render the BLP unsound.***

4.32 On the basis of the above, we consider that BMBC's current approach to restrict development in Villages is inconsistent with the following guidance presented in the NPPF: -

- **Paragraph 28** – Identifies the importance of viable Villages in promoting sustainability;
- **Paragraph 52** – States that the supply of new homes can sometimes be best achieved through extension to existing Villages;
- **Paragraph 54** – Establishes that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs; &
- **Paragraph 55** – Identifies that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

4.33 Accordingly, it is our client's view that the emerging BLPP does not support the provision of fair and accessible housing for local needs and local people. For this reason, we consider the BLPP to be unsound and not justified.

5.0 INCLUSION OF OXSPRING AS A PART OF THE PRINCIPAL TOWN OF PENISTONE

5.1 This section of the document outlines YLL's identified concerns associated with the soundness of the emerging Barnsley Local Plan specifically in relation to our belief that: -

- Oxspring should be included within the designated area associated with the Principal Town of Penistone, on account of the unique inextricable and historical links between the two settlements;

5.2 Accordingly, this section of the representations identified YLL's grounds of **objection** to the following element of the BLPP: -

- Settlement Hierarchy – Page 23 – Should BMBC seek to retain their approach to restrict the development of new homes in Villages, then the proposed Settlement Hierarchy should in the Local Plan should be amended to include Oxspring within the designated area associated with Principal Town of Penistone in order to enable the delivery of the Village's identified housing needs and the community facility aspirations set out within the Oxspring Neighbourhood Plan.

5.3 Our comments in respect of meeting the identified housing needs of Villages presented in Section 4 above, should also be viewed against Oxspring's recognised capacity for further growth. Unlike all other villages situated within the Western Part of the Borough, Oxspring is unique in its physical relationship with the Principal Town of Penistone with which it is inextricably linked. Indeed, this point is specifically recognised in the adopted Barnsley Unitary Development Plan (Volume 13 'Western Rural Area' at paragraph 4.12): -

“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 Furthermore, and importantly, the senior Unitary Development Plan (UDP) Inspector Mr D A Harmston JP, FRICS, DipTP, MRTPI confirms in paragraph 13.4.219 on page 1201 of his Inspectors report: -

“I consider Oxspring is well located in the Community Area for additional housing development. This is particularly so in the light of its relationship to Penistone...”

5.5 In addition to the raft of firm evidence set out in BMBC's Adopted UDP, YLL instructed Pell Frischmann (recognised as one of the UK's leading firms of Consulting Engineers) to undertake the comprehensive 'Oxspring Fields Sustainability and Accessibility Study' (enclosed within Appendix 16). The substantial document was submitted to BMBC in January 2015 and provides further detailed evidence of the inextricable links between Oxspring and Penistone, including the fact that two existing business parks which serve the employment

needs of the Principal Town of Penistone are actually located within the Parish Boundary of Oxspring.

- 5.6 Further proof of the inextricable relationship between the two settlements is presented through the inclusion of areas of Oxspring Parish within the defined settlement area of Penistone. Penistone's only proposed employment allocation within the BLPP (Ref. Site P2) to serve the future employment needs of the Town up to the end of the Local Plan period in the year 2033 is located within the Parish Boundary of Oxspring. This can be considered evidence that BMBC accepts the inextricable links between the two settlements and Oxspring's ability to accommodate future development.
- 5.7 Finally, the B6462 Sheffield Road which traverses the length of Oxspring is also the Main Spine Road into and out of Penistone. The 'Trans Pennine Trail' which forms the southern boundary of the Oxspring Fields site also connects Oxspring with Penistone and its railway station (where it is proposed to construct a Strategic Transport Interchange) which is only 7 minutes away by bicycle. It is apparent that no other village shares the same physical connectivity with Penistone which is the only defined Principal Town located within the Western Rural area of the Borough.
- 5.8 On account of the recognised unique inextricable links between Oxspring and Penistone, it is our view that Oxspring should be included within the designated area associated with the Principal Town of Penistone within future versions of the Barnsley Local Plan. We consider that Oxspring shares a similar geographical proximity to Penistone as that of Cubley (which is already identified as a part of Penistone within the BLPP), however, we believe that Oxspring has a superior connectivity in respect of the location of both existing and proposed employment uses, accessibility to Town Centre facilities and sustainable transport links including the Trans Pennine Trail. Indeed, Oxspring even adjoins the built form of Penistone at 'Springvale'.
- 5.9 Walton and Co (Planning Lawyers of YLL) previously presented factual and comprehensive evidence to BMBC (enclosed within Appendix 17) which identifies that the proposed housing allocations in Penistone will not deliver the number of homes identified to be required and that there are no better, or more suitable, sites in the area to make up this shortfall than the Oxspring Fields site, given the acknowledged relationship of Oxspring to Penistone and the number of benefits that YLL's proposals can deliver.
- 5.10 In order to ensure that the assessment of the deliverability of the proposed housing allocations and safeguarded land designations proposed in Penistone is up to date, PB Planning undertook an updated assessment of BMBC's proposed sites in July 2016. The assessment of the deliverability of sites was undertaken in accordance with national planning guidance in

respect of assessing suitability, availability and achievability. The following evidence was taken into account: -

- Site Visit - undertaken on 3rd June 2016
- Adopted Barnsley UDP
- 2013 BMBC SHLAA
- 2016 BMBC SHELAA
- BMBC's 2016 Site Assessments of the proposed allocations
- BMBC's Ecological Assessment
- Planning History Search
- Discussions with Developers
- Knowledge of the market and viability matters.

- 5.11 The full assessment considered the deliverability of all of the proposed housing allocations in the BLPP circa 100+ units in size. The assessment is enclosed in Appendix 18 and concludes that the proposed allocations in Penistone will deliver 30 homes fewer than that proposed, but crucially that all of the proposed safeguarded land designations can be considered “*Not Developable*” on account of a number of deliverability constraints. The majority of which have been identified by BMBC.
- 5.12 In addition to the above, in the next section of these representations we identify the need to deliver additional housing allocations in the western part of the Borough in order to ensure that the aspirations and objectives set out within BMBC's economic and housing strategies are satisfied in the Local Plan Period to 2033. When these two factors are taken together, alongside the evidence presented in these representations, it is clear that the Oxspring Fields site is a deliverable residential development site that can deliver significant and unsurpassed benefits to the local community and accordingly should be identified as a housing allocation in future versions of the Barnsley Local Plan to deliver a helpful contribution towards meeting the quantitative and qualitative needs of the Penistone area and at a local level, the identified housing needs and community facility aspirations of Oxspring.
- 5.13 Development of the Oxspring Fields site (which is located on lower and less sensitive ground within the River Don Valley) will have less of an impact on the character of the local landscape and the Green Belt than would the presently designated safeguarded land sites located in Penistone, Oxspring, Thurlstone and Thurgoland. Evidence of which is presented in the Smeeden Foreman Landscape report enclosed within Appendix 7. Of particular note here, is the fact that the proposed Oxspring Fields site has defensible boundaries on all sides (which the majority of the safeguarded land allocations do not) and development in this location will importantly maintain the Oxspring's historical linear pattern of development between the Trans Pennine Trail and the B6462 Sheffield Road/River Don.
- 5.14 The development of the majority of the proposed draft housing and safeguarded land allocations in Penistone will only serve to exacerbate the existing highways issues of the town and this could lead to a large increase of traffic utilising the country lanes around the

surrounding parishes of Hunshelf and Oxspring, caused by those attempting to bypass congestion in the Town Centre. Oxspring Parish Council have already highlighted in their representations to BMBC regarding the Local Development Framework 2012 and the Draft Local Plan (dated 14 October 2012 and 10 January 2015 respectively) how these narrow country lanes are already running to capacity. In contrast the Oxspring Fields development site is situated on the Eastern edge of Oxspring and is served directly from the B6462 Sheffield Road (a B-road), with one or two points of access being easily achievable. To the south east the B6462 leads to the A629 Halifax Road at a priority junction. From here work-related trips to and from places such as Barnsley, Sheffield, Leeds and Huddersfield can access the wider highway network (including the M1 Motorway, which Oxspring Parish Council has identified is only ten minutes away) without the need to utilise narrow country lanes or travel directly through Oxspring or Penistone.

- 5.15 Further justification of the above matters is provided within our letter to BMBC dated 7th December 2015 (appendix 19) in which we critiqued BMBC's proposal at that time to allocate land to the south east of Penistone at Castle Lane within the Local Plan Additional Sites Consultation published in October 2015. We are pleased to confirm that this proposal has now been removed from the BLPP.
- 5.16 Notwithstanding the above, subject to its release from the Green Belt, the Oxspring Fields site wholly complies with the Council's Spatial Strategy as set out in the BLPP which states that in the identified Villages *"development will be supported where it is necessary for the viability of the settlement and to meet local needs"*.
- 5.17 As set out in section 4, The Draft Oxspring Neighbourhood Plan identifies in paragraph 6.1.4 that the long term viability of the Parish is compromised by the lack of affordable housing and paragraph 6.1.5 confirms that the findings of the URS Housing Needs and Capacity Assessment demonstrate that in the interest of providing suitable housing for local people, retaining young people, families and older people wanting to downsize and thus having a sustainable and balanced population, a small amount of housing growth is critical.
- 5.18 Within the Draft Oxspring Neighbourhood Plan there is reference that Oxspring's identified housing needs could be met through the delivery of new homes in Penistone. As stated above, we consider this statement to only strengthen the case that Oxspring is unique in that it is inextricably linked with Penistone and thus should form a part of the designated area associated with the Principal Town of Penistone (which includes Cubley and Springvale) in respect of the settlement hierarchy in future version of the Barnsley Local Plan.
- 5.19 Finally, in respect of sustainability, in addition to the conclusions identified within the enclosed Pell Frischmann Oxspring Fields Sustainability and Accessibility Study, the Draft Oxspring

Neighbourhood Plan identifies the following evidence to correctly contradict the current BLPP approach whereby the delivery of new homes in the settlement would be falsely judged as unsustainable: -

- Paragraph 4.1 identifies the proximity of the settlement to Penistone (1.5 miles) and Barnsley (7 miles) and that the Parish is within commuting distance of Sheffield, Wakefield, Leeds and Manchester (all within 30 miles). In addition, the paragraph identifies that Oxspring contains some 497 household with a population of 1,225 people.
- Paragraph 4.2 identifies that the settlement's historic character and form is linear and lying between the B6462 Sheffield Road and the Trans Pennine Trail. It also identifies the proximity of an existing employment site (Marrtree Business Park), which is located within the Village's north western boundary adjoining the built form of Penistone.
- Paragraph 4.3 identifies the number of existing services and facilities are available within the Village. The paragraph also sets out the Village's "good accessibility to public transport", that there are direct local bus services to Penistone, Barnsley and Sheffield running on a regular basis, and that the nearest rail station is only a couple of miles away at Penistone, with direct, hourly services to Huddersfield, Barnsley, Meadowhall and Sheffield.
- Paragraph 4.4 identifies the numerous opportunities for walking, cycling and enjoying the countryside on the Village's "doorstep", including a number of identified walks in the Parish promoted in a published booklet and on information boards.
- Paragraph 4.5 identifies that the Village can be considered a relatively "affluent area" with a large proportion of residents in full time employment, with a proportion of managers, directors, senior officials and professionals above both the Barnsley and national average.
- Paragraph 4.8 identifies that there are a range of local businesses providing employment opportunities within the Oxspring Parish area, including 17 farms, the Post Office, The Waggon and Horses and The Travellers public houses, Wintwire Ltd, DR Baling Ltd and 6 industrial units at Marrtree Business Park. We note that there is also significant employment provision at 'Wintwire' Industrial Estate which is situated on the floor of the river Don Valley at the site of the historical 'Winterbottom' Oxspring Wire Mill; this location also consists of 6 industrial units. We are also aware that Oxspring also has a village store and off-licence

5.20 It is clear that Oxspring has historically been considered a sustainable location for growth. Just because BMBC's policy position in respect of development in the Villages has changed, doesn't mean that Oxspring should now not be considered a sustainable settlement. Especially when the number of services and facilities listed in Paragraph 5.19 are taken into account. Indeed, there is the very risk that should BMBC maintain their current approach to restricting development in the Borough's Villages then such Villages will become more unsustainable as the existing services and facilities are used less and less.

5.21 The Draft Oxspring Neighbourhood Plan, written and prepared by planning consultants 'Kirkwells' on behalf of Oxspring Parish Council, itself (excluding the myriad of evidence provided within this document and its appendices) provides unequivocal evidence that unlike all other villages situated within the Western Part of the Borough, Oxspring is unique in respect

of both the availability of services and facilities and also its physical relationship with the adjoining the Principal Town of Penistone with which it is inextricably linked.

- 5.22 The development of the Oxspring Fields site will importantly enhance the sustainability of the settlement through the delivery of new and additional community facilities, improvements to pedestrian/cycle access and of course through the delivery of Oxspring's own identified housing needs. The delivery of new homes in particular will help sustain and revitalise existing services and facilities through increased expenditure of new residents, it will deliver employment opportunities and importantly it will provide new pupils from the immediate locality to attend Oxspring Primary School. Both safeguarding the school's future and also improving the sustainability of the Village through reducing traffic movements from pupils who currently attend the school from outside of the area.
- 5.23 The evidence provided above in respect of sustainability provides further evidence that the delivery of new homes in Oxspring, whether it remains as a defined Village or it is incorporated within the designated area associated with the Principal Town of Penistone, would accord with national planning guidance.

6.0 DELIVERY OF IDENTIFIED HOUSING NEEDS

6.1 This section of the document outlines YLL's identified concerns associated with the soundness of the emerging Barnsley Local Plan specifically in relation to our belief that: -

- The proposed distribution of growth and housing allocations will not deliver the number and type of new homes required to meet BMBC's own housing needs and aspirations set out within its adopted Economic and Housing strategies and various other evidence base documents including the 2014 SHMA Update by Arc4.

6.2 Accordingly, this section of the representations identified YLL's grounds of **objection** to the following policies of the BLPP: -

- Policy LG2 – Location of Growth – BMBC's Policy associated with the failure to allocate suitable housing sites in Villages. We believe that this should be amended to enable the delivery of sustainable housing growth in villages that have identified housing needs.
- Policy H2 – Distribution of Growth - BMBC's Policy associated with the number of homes to be developed in Villages. We believe that this should be amended to enable sustainable growth via the allocation of housing sites suitable to meet identified housing needs.
- Policy H2 – Distribution of Growth – The proposed number of homes to be distributed to the Principal Town of Penistone and to Villages should be increased in order to meet the area's identified qualitative and quantitative housing needs.
- Policy H3 – Housing Site Policies – Additional sites are required to be released as housing land allocations in order to meet the Borough's identified qualitative and quantitative housing needs on grounds of issues associated with the deliverability of a significant number of the current proposed housing allocations.
- Policy GB1 – Protection of Green Belt – The Barnsley Green Belt should be amended to include YLL's development proposals on account of BMBC's own evidence base support and in order to enable sustainable growth at deliverable housing sites to help meet the identified housing needs of the Borough.

The Number of New Homes to be Built

6.3 Firstly, our client wishes to comment on Policy H1 of the BLPP which is associated with the number of new homes to be built in the Borough over the local plan period. The plan seeks to deliver at least 20,900 net new dwellings over the plan period (2014 to 2033). This is identified to be provided at an average rate of 1,100 dwellings per annum (dpa). YLL support the reference in the policy to the housing requirement being identified as a net minimum.

6.4 Paragraph 9.2 of the BLPP states that the net plan target of 1,100dpa is anticipated to evolve up until the point at which the Local Plan is submitted to the Planning Inspectorate for examination, in order to ensure that the plan is based upon the most up to date evidence available at the time of submission. YLL are supportive of this approach and an important element of the evidence that requires consideration is the recent release of the 2014 based sub national population and household projections, which update the 2012 based projections

upon which BMBC's 2016 *Housing Background Paper* is based. The National Planning Practice Guidance (NPPG) is clear that the most recent projections should form the 'starting point' for determining the objectively assessed housing needs and housing requirement within an area.

- 6.5 The 2014 projections (845 homes) identify a 64 dwelling per annum increase from the 2012 projections (781 homes). Though the increase in dwellings has not been comprehensively modelled at this point initial evidence does suggest that this work would lead to an evidenced base increase above the current 1,100 home annual requirement proposed by Policy H1 of the BLPP.
- 6.6 BMBC's currently proposed housing requirements are influenced by recent delivery rates over a period of economic recession. Accordingly, YLL are of the view that BMBC shouldn't seek to model upon recessionary conditions, particularly when it is clear from BMBC's Annual Monitoring Reports that housing completions have been greater than 1,300 homes previously. The current trajectory for 2016 is higher than 1,450 homes, providing evidence of the attainability of a higher housing target.
- 6.7 From a review of BMBC's evidence base, it is apparent that the identified housing requirement is at the lower end of the identified range of options. We are therefore unsure how this figure is related to the Council's economic aspirations in respect of job creation over the plan period. Not only in the Borough itself, but also in support of the City Regions of Leeds and Sheffield. The BLPP identifies the aspiration to deliver 17,500 jobs over the next 20 years. The Sheffield City Region are seeking to deliver 70,000 new jobs over the next 10 years and the Leeds City Region proposes to create 62,000 new jobs by the year 2021.
- 6.8 The impact of the proposed level of job creation needs to be given sufficient weight by BMBC in the review of their housing requirements prior to the submission of the Local Plan. The Housing Background Paper identifies that the number of homes needed to meet the figure closest to BMBC's proposed level of jobs growth (a scenario of 19,833 jobs over the plan period) would be between 1,475 homes and 1,649 homes per annum; much higher than the proposed 1,100 home annual requirement set out in Policy H1 of the BLPP.
- 6.9 The Local Plan provides the opportunity for BMBC to set aspirational, yet realistic, housing targets to seek to meet the Borough's economic objectives (discussed further below). Through the provision of a higher supply target and the allocation of deliverable residential development sites, situated in locations attractive to the development industry, the delivery of a higher housing requirement is realistically attainable.

- 6.10 From the evidence currently presented by BMBC we expect that the number of homes to be delivered in the Borough will need to be increased above the 1,100 homes per annum target currently identified.

Meeting Barnsley's Qualitative House Needs

- 6.11 We are concerned that BMBC's identification of sites within the BLPP process does not take into consideration its own evidence base with regard to the adopted Economic Strategy, Housing Strategy and the Strategic Housing Market Assessment (SHMA). A significant proportion of the proposed sites will not deliver the type of housing which has been assessed to be needed in the Borough and are not located in identified areas of strong housing demand.
- 6.12 BMBC have stated in a number of their strategies and policies that the Borough is trailing behind the Yorkshire & Humber and national averages in relation to a wide range of economic indicators. Which is leading to significant social imbalances.
- 6.13 In particular BMBC's now adopted Economic Strategy entitled "*Growing Barnsley's Economy (2012 – 2033)*" recognises that housing plays a key role in both stimulating and supporting economic growth. Importantly, the report acknowledges the need to deliver a step change in the quality and mix of housing available in the Borough. To ensure the delivery of these aspirations the Strategy recognises that the BMBC will need to work in collaboration with the private sector to deliver a housing mix which meets the future requirements of the Borough.
- 6.14 The Economic Strategy identifies the importance of changing the housing mix within the Borough, particularly in terms of delivering lower-density housing and increasing the breadth of housing supply. It is well documented that Barnsley has experienced the trend of more people on higher and medium incomes moving out of the Borough than are moving in, which of course can be attributed to the fact they are unable to find suitable housing options to meet their needs.
- 6.15 BMBC's adopted Economic Strategy also identifies that if left to market forces the economic performance gap between Barnsley and the region is likely to widen thus placing the Borough in an even less favourable position for inward investment, indigenous business growth and generally providing local residents with lower levels of new economic opportunities. An identified issue that requires tackling to solve the economic issues of the Borough is the "*inadequate supply of appropriate development sites and executive housing*".
- 6.16 BMBC's adopted Housing Strategy for the period 2014-2033 reiterates the key messages of the adopted Economic Strategy. It again identifies the key objective of increasing the number of larger (4 and 5 bed) family/higher value homes across the Borough and specifically identifies the objective of delivering "*c.2500 larger family/higher value homes*" in the strategy period.

However, there is no proposed policy within the Draft Local Plan associated with ensuring the delivery of new larger family/higher value homes in the Borough.

- 6.17 In respect of the type of new homes required, pages 81 to 83 of the Barnsley SHMA, published November 2014, again acknowledge that a provision of executive dwellings is needed to support economic growth and to address social imbalances by pulling 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.*'
- 6.18 The SHMA also 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*".
- 6.19 The SHMA identifies that in terms of locations for "executive" family housing it was agreed by all of the housing developers consulted as part of the SHMA's preparation 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 citing the tough market conditions, access to finance/mortgages and general economic climate as the main reasons*". Finally, the SHMA states that it was felt by the developers consulted that any significant development of executive housing in Barnsley would need to coincide with an improvement in the local economy.
- 6.20 The SHMA states that there is a short fall of all property types in the Borough, including in detached executive family house types. It concludes that future development should focus on addressing identified shortfalls to reflect household aspirations by delivering a house type mix that should take account of the identified imbalances.
- 6.21 Further evidence of the need to increase the provision of executive family homes in the Borough is set out within a cabinet report of BMBC's Executive Director of Development Environment and Culture, dated 4th July 2012 Ref.CAB.4.6.2012/8 in which BMBC identify a need for low density dwellings in the top bracket of the housing market and confirm an aspiration to deliver 1200 low density high value dwellings. Importantly, BMBC also recognise in this report the need to provide a mix of executive housing in differing price brackets, in order to take account of the need for a range of executive housing to cater for those in managerial positions of differing levels. Despite this recognition, and repeated reference to it in submissions throughout the Development Plan Process by YLL, it is apparent that BMBC have not sought to address these matters as part of its Local Plan and the associated housing site identification process.

- 6.22 With regard to the current delivery rates of executive housing within the Borough, the letter dated 18 August 2015 from Richard Crossfield (enclosed in Appendix 20), a Director of Fine & Country, and a highly qualified and experienced local estate agent, confirms that in the years since the publication of BMBC's Economic and Housing strategies there are a modest amount of new properties being constructed and offered for sale in the Borough from £250,000 to £500,000 in value but most alarmingly, that there are no newly constructed properties presently for sale in excess of £530,000.
- 6.23 Richard Crossfield's analysis included an individual and itemised post code assessment of the Borough (including post codes S70 to S75; S35; & S36). The same exercise was undertaken for Sheffield, Kirklees, Wakefield and Leeds in order to provide a comparison of the availability of new build executive homes over £500,000 in value in the areas surrounding the Barnsley Borough. This assessment concluded that whilst there were no such homes available in Barnsley there were 65 available in Kirklees; 18 available in Wakefield; 80 available in Sheffield; and 86 available in Leeds. The assessment provides clear evidence that those who desire a newly constructed executive home will need to re-locate to areas outside of the Borough of Barnsley to meet their needs.
- 6.24 In addition, Richard Crossfield's letter identifies that the lack of delivery of new build executive homes in the Borough is not associated with a lack of demand. It is confirmed that in the last year alone (at the time the letter was written on 18 August 2015) there had been 17 sales agreed on previously occupied properties above £500,000 in value, identifying that there is a real and current demand in the Borough for newly constructed properties at this value. Furthermore, there is evidence of demand for properties of even higher value with an example given associated with the sale of a property of £1,000,000 in value which has attracted 18 viewings from people located within the Borough of Barnsley and from adjacent authority areas.
- 6.25 With regard to this final point, Richard Crossfield raises an important consideration in stating that: -
- "A previously occupied property on the market at circa £800,000 - £1,000,000 is attracting buyers from both neighbouring authority and further afield as well as a local audience. I believe a reason for this is that there are some very attractive and sought after settlements located in the more attractive Western parts of the Borough, which are situated within the catchment areas of good schools. In addition, the selling price of property per square ft in the Borough is generally less in value than that in other neighbouring authority areas, which enables buyers to achieve much more value for their money."***
- 6.26 The provision of new build executive homes will therefore not only help to retain the Borough's current population of those in senior managerial roles, but also attract those from neighbouring authority areas as well. However, the advice presented above warns that delivery of executive

homes should be focused in areas of the Borough where those seeking such executive homes wish to live and specifically identifies the *more attractive Western parts of the Borough* as being such a location. Finally, in reference to selling prices, we believe that the Borough has an opportunity to steal a march on its competition of neighbouring authority areas due to lower selling prices. It is evident that if development proposals for the right type, quality and size of properties were granted planning permission by BMBC in the Borough's most attractive market locations, then supply would rise to meet the demand and consequently, the identified executive housing needs of the Borough would start to be met.

- 6.27 All of the evidence highlighted above clearly points to a need for more executive housing in order to stem the flow of higher income households out of the Borough in search of larger properties, and also to attract the higher income population into Barnsley. The level of executive housing currently being developed in the Borough falls a long way short of achieving these aims.
- 6.28 The delivery of detached/executive family homes comes hand in hand with the identification of housing sites in areas of strong housing demand. Simply put, developers will not wish to deliver a product in an area where it won't sell.
- 6.29 Whilst we acknowledge and support BMBC's aim of seeking to encourage development in areas of low demand in order to deliver regeneration benefits, in order for this approach to work it should be taken in combination with ensuring that the right amount and type of housing is also delivered in the stronger housing market areas to the West of the Borough.
- 6.30 Such an approach is essential if BMBC are to ensure the delivery of the Borough's identified housing requirements which will demand the need to deliver between 30 and 40 individual housing outlets a year. On the basis of the sites identified in the BLPP we are concerned that insufficient demand will be generated by developers to ensure the delivery of the required number of housing outlets per year. Accordingly, sustainable, available and deliverable sites which have identified developer interest should be given substantial weight by BMBC in the determination of housing allocations.
- 6.31 Notwithstanding the above evidence, the BLPP proposes to distribute only 5% (1,026 homes) of the Borough's new homes up to 2033 to the Principal Town of Penistone in the Western part of the Borough. The Western Part of the Borough makes up over half of the land in the Borough and is recognised as the most attractive and strongest market location in Barnsley. Importantly, this figure has been reduced down substantially from 7% in the previous Draft Barnsley Local Plan. Accordingly, the majority of 92% (19,184 homes) are currently proposed to be delivered in areas to the east of the Borough; many of which are identified to have low housing demand, weak and at times failing housing markets. Therefore, If BMBC are to truly

seek to re-balance the Borough's economic position, then it cannot continue to retain the same historical development patterns of previous Development Plans and must strive to allocate market facing sites with evidenced developer interest.

- 6.32 Accordingly, it is our view that the number of homes to be distributed to Penistone should be increased to a minimum of 10% (2,090 homes) in order to properly satisfy the identified qualitative housing needs of the Borough. This position concurs with the stance put forward by Walton & Co in their representations to the previous Draft Barnsley Local Plan on behalf of YLL in January 2015 (enclosed at Appendix 17). This increase of circa 1,000 homes would also take into account BMBC's desire to deliver between 1,000 and 2,500 large low density, detached executive/family homes in the Borough. A significant proportion of the additional 1,500 executive/detached family homes could then be delivered in the Borough's sustainable Villages, as suggested in Section 4 of these representations.
- 6.33 On account of the above YLL **objects** to Policy H2 of the BLPP and requests that the number of homes to be delivered to Penistone should be increased to a minimum of 10% (2,090 homes) and in addition that the Borough's Villages, identified in the policy text as "Other", should receive allocations of up to 1,500 homes (7% of overall supply) in order to secure the delivery of the 1,000 to 2,500 executive/detached family homes identified in BMBC's economic and housing strategies.

Meeting Barnsley's Quantitative House Needs

- 6.34 Linked to the need to deliver the "qualitative" housing needs of the Borough is the requirement to also ensure that the "quantitative" housing needs are met through the identification of deliverable housing allocations.
- 6.35 Accordingly, In July 2016 PB Planning undertook an assessment of the deliverability of all proposed housing allocations in the BLPP of circa 100+ homes in size. The assessment was undertaken in accordance with national planning guidance in respect of assessing suitability, availability and achievability.
- 6.36 Paragraphs 47 and 159 of the National Planning Policy Framework (NPPF) provide clear guidance that in order to boost significantly the supply of housing land local planning authorities should in their Local Plans identify specific *deliverable* sites that can provide 5 years' worth of housing land and *developable* housing sites for the period beyond this. A local planning authority's housing land allocations should therefore be capable of delivering sufficient housing over 5 and at least 15 year periods, unless they believe this period should be extended. One such reason for extension to this period is to ensure long term permanence to the Green Belt.

- 6.37 Footnotes 11 and 12 of paragraph 47 of the NPPF provide the definition of “*deliverable*” and “*developable*” residential development sites.
- 6.38 Footnote 11 identifies that “*to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a real prospect that housing will be delivered on the site within five years, and in particular that development of the site is viable.*” Footnote 12 states that “*to be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.*”
- 6.39 The NPPF is clear that sites considered to be *deliverable* are considered to represent better planning prospects than those identified as *developable*, and consequently they should take preference in the identification/allocation of housing land.
- 6.40 The following evidence was taken into account in our assessment: -
- Site Visit - undertaken on 3rd June 2016
 - Barnsley UDP
 - 2013 BMBC SHLAA
 - 2016 BMBC SHELAA
 - BMBC’s 2016 Site Assessments of the proposed allocations
 - BMBC’s Ecological Assessment
 - Planning History Search
 - Discussions with Developers
 - Knowledge of the market and viability matters.
- 6.41 The assessment is enclosed in Appendix 18 and provides the following conclusions in respect of the ability of the proposed housing allocations to meet the quantitative housing needs of the Borough: -

Area	BMBC Total	PBP Total	Difference
Urban Barnsley	6,080	4,001	-2,079
Royston	770	740	-30
Goldthorpe (Dearne Towns)	1,852	694	-1,158
Cudworth	966	709	-257
Wombwell	1,248	1075	-173
Hoyland	1,663	1,195	-468
Penistone	786	756	-30
Total	13,365	9,170	-4,195

- 6.42 We believe it is important to reiterate that the majority of evidence used to analyse the deliverability of the proposed allocations reviewed in the assessment was provided by BMBC's own evidence base.
- 6.43 On the basis of the above BMBC need to allocate additional sites in every settlement area in order to meet the current housing distribution figures presented in Policy H2 of the BLPP. As you will note, Urban Barnsley has the biggest reduction in numbers, this is associated with the large allocations in Urban Barnsley not being able to deliver the number of homes anticipated across the BLPP's timescales to 2033 (discussed further below). The Dearne Towns have the second biggest reduction on account of recognised low housing demand, weak and at times failing housing markets, resulting in serious viability implications, an issue referenced above in relation to meeting the qualitative housing needs of the Borough.
- 6.44 Accordingly, the assessment provides both qualitative and quantitative reasoning for BMBC to identify additional housing allocations to those currently proposed. The delivery of a further 1,000 homes in Penistone and up to 1,500 homes in the Borough's Villages, as proposed in Paragraph 6.33, above would provide a significant contribution to this shortfall. The table above identifies that Penistone had the lowest reduction in housing numbers on account of deliverability, which of course reflects the quality and strength of the market location. A fact recognised by BMBC's economic and housing strategies.
- 6.45 As referenced above, one particular concern we identified in our assessment was associated with the size of some of the proposed allocations and whether they can realistically deliver the number of homes identified within the Local Plan period to 2033. This was specifically associated with individual sites such as MU1 and where a number of large sites would need to be grouped together in annual build out rates and selling outlet terms given their location adjoining/adjacent to each other, such as sites AC12, AC11 & H44 in Urban Barnsley and sites H45, H7, H8 & AC31 in Hoyland. With regards to the grouped sites referenced above there are also a number of other serious technical/viability constraints identified within our assessment, which may preclude their delivery, at least in the early years of the Barnsley Local Plan.
- 6.46 Enclosed with this document is recent research undertaken by Savills, published in October 2014 (Appendix 21), which identifies the average lead in times and annual delivery rates associated with sites of over 500 homes in size. The report identifies that on average, across all of the sites analysed, construction on the first phase of housing started more than four years after the submission of an outline application. With regards to annual delivery rates, the analysis indicated that once construction starts, and in a strong market area, annual delivery

can be anticipated to be around 60 units in the first year of construction, picking up to more than 100 units per annum in subsequent years and increasing to around 120 units.

- 6.47 Accordingly, on the basis of the evidence provided within the Savills report, in the context of the Barnsley Local Plan this suggests that the proposed housing allocations of over 500 homes in size won't start to deliver new homes until at least 2021/2022, based on four years post the adoption of the Local Plan in 2018 and the subsequent submissions of outline planning applications. Over the remaining 12-year period the development will then provide 60 homes in the first year; 100 homes for the proceeding 5 years; and 120 homes maximum over the remaining 6 years of the plan. A total of circa **1,200 homes** up to 2033. This would equate to a 500 dwelling deficit at site MU1 alone (which has a proposed capacity of 1,700 homes).
- 6.48 With reference to the Savills research it could also be concluded that these sites are not located in a strong market area and thus the assumed delivery rates could be lower than anticipated meaning an increase in the deficits identified in our enclosed assessment.
- 6.49 A further point of concern identified by the assessment was the number of large allocations identified across the Borough. A number of which are located within the same principle town area. As identified above sites of circa 500 homes in size will need two to three housebuilders developing the site at the same time. As the number of housebuilders willing to deliver homes across all areas of Barnsley is limited, we are concerned that there will simply be too many large sites to attract the number of housebuilders needed to deliver the annual number of homes required from these sites in order to meet the BLPP's dwelling targets.
- 6.50 The above issue also leads onto a further concern in relation to the proposed densities of the housing allocations. Paragraph 9.5 of the BLPP identifies that proposed housing allocations *"have been assessed at an indicative density of 40 dwellings per hectare. The site areas quoted are gross.* We have significant concerns associated with the Council's proposed densities. Particularly given that the 40 dwellings per hectare calculation is associated with gross densities.
- 6.51 As identified above, it is our view that the proposed housing allocations will not deliver the number of homes identified. The assessment that we undertook also considers the proposed densities of the allocations and identifies where we believe the 2013 SHLAA densities/capacities are more appropriate and should be utilised.
- 6.52 We do however appreciate that BMBC have utilised more up to date, robust, information to identify the capacity of the proposed housing allocations where this is available. PB Planning are directly involved in two new housing schemes where a revised dwelling quantum has now been identified in the BLPP to that which was prescribed in the previous Draft Barnsley Local

Plan, these being at YLL's draft Barnsley Local Plan Housing site allocation at Land to the South of Halifax Road, Penistone (Ref.H82) and a Barratt Homes site at Carrs Lane, Cudworth (Ref. H32).

- 6.53 With regards to the Land South of Halifax Road, Penistone (Ref.H82), the site was previously allocated for 516 homes, a figure that is revised to 414 homes in the BLPP. However, Barratt Homes & David Wilson Homes have recently prepared a detailed layout for the site which proposes a development of 394 homes at a gross density of 23dph and a maximum net achievable density of 35dph at 15,302.9sq. ft. to the acre of coverage.
- 6.54 In respect of the Carrs Lane, Cudworth site (Ref.H32), the site was previously allocated for 333 homes, a figure that is revised to 278 homes in the BLPP. This is on account of Barratt Homes' current planning application which seeks the delivery of 278 homes on the site at a gross density of 24dph and a net density of 35dph at 13,845sq. ft. to the acre of coverage. Importantly, the level of homes proposed within the application was reduced from 316 homes at the request of the Council's planning and design officers, ward members and local residents.
- 6.55 It is our view that the Council should seek to review the proposed housing allocations on the basis of a 30dph gross density, which is still a higher rate than those proposed within the above two examples above. Developers will usually not deliver gross densities of over 40pdh unless apartments are included within the housing mix. Apartments are of course a house type that will more than likely be delivered in the urban centres of the Borough. Unfortunately, these are also the locations of the Borough where the housing market is weaker.
- 6.56 Prior to a review of all of the proposed housing allocations, it could be argued that the Council will need to reduce the capacity of all existing proposed allocations by up to 25% in order to reflect more appropriate densities. If not, then the proposed allocations will simply not enable the delivery of the Council's objectively assessed housing needs for both market and affordable homes. As identified above, our assessment of the proposed housing allocations sets out where we believe the densities provided in the 2013 SHLAA are more appropriate and should be utilised. We request that BMBC fully consider the results of our deliverability assessment of the proposed housing allocations whilst undertaking this review.
- 6.57 In conclusion we believe there is robust evidence to demonstrate that additional housing sites need to be identified in the Borough's stronger housing market locations in order to deliver both the qualitative and quantitative housing needs of the Borough, which are clearly established by BMBC's own economic and housing strategies and various other evidence base documents including the 2014 SHMA Update by Arc4.

6.58 BMBC are aware that YLL have consulted with Leading Counsel Sasha White QC in respect of the evidence provided above in relation to meeting the evidenced housing needs of the Borough. Sasha White QC's Legal Opinion is enclosed with these representations (Appendix 2). The key points raised by Sasha White QC in respect of the evidence presented in this section of the representations is as follows: -

- ***Para 44 - In my view the Council clearly must ensure that the BLP is consistent with the Housing Strategy, which identifies a need for c. 2500 larger family/higher value homes in the plan period. Whilst it would not be necessary for the BLP to include a policy requirement to deliver this number of houses, it clearly should be demonstrated that the housing policies of the BLP will deliver this element of the Housing Strategy. The evidence referred to in my instructions would seem to suggest that there is a real risk that this element of the housing needs of the area will not be met through the proposed allocations, because of their inability to deliver such high value housing.***
- ***Para 45 - In those circumstances, in my opinion there is a good case for the Council reviewing whether the proposed housing allocations are able to deliver the identified requirement of c. 2500 larger family/higher value homes. If they cannot deliver that requirement, then there is plainly a case for allocating additional or alternative sites which can meet those requirements.***
- ***Para 46 - The Council appear to proceed on two assumptions about housing delivery upon which YLL and others have cast considerable doubt. First, the Council's assumption about the density of new housing sites arguably does not recognise the need described above to provide larger homes.... Second, a number of the Council's proposed allocations lie in poorer performing housing areas, where there are doubts about deliverability, build-out rates and the ability of the sites to meet market demand. It is clear that a sound plan must provide housing in the areas in which the housing demand arises. Both of these assumptions call into question the soundness of the BLP as drafted.***
- ***Para 48 - In my opinion there is doubt as to whether the BLP can be considered sound in terms of its ability to meet the area's housing needs both quantitatively and qualitatively. The information provided in my instructions confirms that both YLL sites are capable of delivering larger family homes at an early stage of the plan process, contributing to meeting the apparent qualitative and quantitative deficiencies in the BLP as drafted.***

Oxspring Fields, Oxspring

In light of the above, we consider that the delivery of circa 100 to 150 market and affordable homes (at 30% provision) at the Oxspring Fields site accords with the identified and adopted economic and housing strategies of BMBC, specifically, in respect of the need to provide larger, lower density detached executive/family homes in the attractive western rural parts of the Borough. The site will also make a positive contribution to the additional housing supply required to repair the significant shortfall we have assessed both in the overall Borough and more locally in the Penistone housing market area. The site has firm interest from a national housebuilder which would wish to acquire and develop the site at the earliest opportunity, if allocated.

7.0 SAFEGUARDED LAND

- 7.1 YLL objects to the evidence base associated with the identification of the proposed Safeguarded Land sites, the proposed quantum of safeguarded land and the wording of Policy GB6.
- 7.2 With regards to the policy's evidence base, as stated above we have concerns over the soundness of the Green Belt Review on the grounds that there is no robust, up to date, assessment of the proposed Safeguarded Land designations for future development. It is clear from our review of a number of the Safeguarded Land sites that there are a number of deliverability concerns associated with them. Particularly those located in Penistone and the adjacent Villages. Land which is Safeguarded for development clearly needs to be deliverable for its proposed future development. Otherwise its allocation would be unsound and not justified.
- 7.3 In respect of the quantum of safeguarded land, Paragraph 85 of the Framework identifies that where necessary the need to plan for longer term development needs "*stretching well beyond the plan period*" through the designation of Safeguarded Land. There are varying examples within recently approved Development Plan documents of what a timescale of "*well beyond the plan period*" can equate to which differ between an additional 10% of land allocations; an additional 5 years' worth of land; or in some cases 10 years' worth of land. It could be argued the greater amount the greater permanence can be provided to the Green Belt.
- 7.4 The BLPP identifies 201.5 hectares of Safeguarded Land. Using a more appropriate gross density calculation of 30 dwellings per hectare, the proposed Safeguarded Land designations would deliver circa 6,000 homes. Which is greater than a five-year supply based on an annual housing land requirement of 1,100 homes per annum. However, as identified in Section 6 above there is a case for an increase of the annual dwelling requirement based on the latest population projections and predicted job growth. In addition, there is also the case that a number of the proposed safeguarded land designations would then be needed to deliver any shortfall in housing land allocations as a result of an increase in the annual housing requirements, but also on account of a number of the existing housing allocations being considered undeliverable. In this respect we have a number of serious concerns associated with the deliverability and suitability proposed designated Safeguarded Land sites, especially those in the Penistone Area, resulting in our strong belief that BMBC will need to identify additional Safeguarded Land sites to those proposed even if the proposed quantum of 5 years is found sound.
- 7.5 Notwithstanding the above, YLL do object to the proposed quantum of Safeguarded Land and consider that a more robust target of at least 10 years beyond the identified plan period (to 2043) should be identified. Especially when the timescales between the adoption of the Barnsley

UDP (December 2000) and the proposed adoption date of the new Barnsley Local Plan are considered.

- 7.6 With regard to the specific wording of the policy, our client **objects** to the lack of reference in Policy GB6 in reference to potential trigger points for the release of safeguarded land and a review of the Local Plan. Such trigger points usually relate to the inability to demonstrate a 5-year supply of deliverable housing land to meet the identified housing needs of the District which would put pressure on the need to release the Safeguarded Land sites to meet these needs. Thus also triggering a need to undertake a partial or full review of the Local Plan accordingly. YLL therefore believe that in order for the policy to align with national planning guidance, Policy GB6 should be amended to include reference to the justification text provided within Paragraph 18.22 of the BLPP where it states that: -

“Safeguarded land can only be released in exceptional circumstances which may include a lack of five-year land supply or a local need. Where there is a local need a safeguarded land site may be considered, for example, through a neighbourhood plan.”

- 7.7 Without the provision of the above mechanisms within the proposed policy it is clear that the Council would be placed in a position where they would potentially not be able to flexibly respond to the Borough's housing needs until a replacement Local Plan is adopted. Which is of course a process which would take a number of years. In the BLPP, Safeguarded Land should be designated on account of its deliverability as a potential development site, and not due to the “open nature of the land”. Accordingly, YLL request that the policy is amended as suggested above and also that the reference to the need to ‘protect the open nature of the land’ is removed.
- 7.8 With reference to the above, we wish to reiterate that we have serious concerns over the deliverability of the proposed safeguarded land sites allocated in the BLPP, particularly those located in Penistone and Oxspring, site references; SAF16 (West of Castle Lane, Penistone) SAF17 (East of Castle Lane, Penistone), SAF18 (North and South of Roughbircworth Lane, Oxspring), SAF31 (Land off Mortimer Road, Cubley, Penistone), SAF37 (Land at Springvale, Penistone) and SAF38 (Land off Moors Avenue, Penistone). Indeed, we contend that these sites would have been the subject of planning applications within recent years, were they deliverable, on account of their location within the strongest market areas within the Barnsley Borough and the fact that Barnsley Council has been unable to demonstrate a five-year land supply in recent years.
- 7.9 Finally, whilst we have identified serious concerns regarding their deliverability, we also consider it important to point out that a number of the proposed Safeguarded Land sites are located in the Borough's Villages. Providing evidence that BMBC would consider the delivery of new homes on sites above 0.4Ha in size in the Borough's Villages to be sustainable should the release of Safeguarded Land sites be needed prior to the end of the plan period. Such an

approach is contradictory of the BLPP which seeks to restrict the delivery of housing in villages through the non-allocation of housing sites (which would meet local housing needs and provide capital to enable the delivery of community infrastructure improvements thus ensuring vitality and viability of services) but aligns with YLL's arguments presented in the above sections of these representations.

8.0 SUMMARY & CONCLUSIONS

8.1 When either considered together or individually we believe that the areas of identified concern raised within these representations provide a compelling case for amendments to be made to the emerging Barnsley Local Plan to enable the release of our client's site at Oxspring Fields, Oxspring from the Green Belt and its allocation for residential use in order to help satisfy the adopted housing and economic strategies of BMBC.

8.2 To re-iterate the five areas of concern presented within the introduction, we consider the required amendments to relate to the following: -

- The (lack of) robustness of the Green Belt Review on account of its assessment not including existing safeguarded sites and the disregarding of Arup's key comments and 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 result in the identified housing needs of these settlements not being met in the Plan Period up to 2033;
- The Village of Oxspring should be included within the designated area associated with the Principal Town of Penistone, on account of the identified 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 BMBC's own housing needs aspirations set out within the BMBC Economic and Housing strategies; &
- The evidence base associated with the identification of the proposed Safeguarded Land sites, the proposed quantum of safeguarded land and the wording of Policy GB6 are unsound and will not deliver long term Green Belt permanence.

8.3 Accordingly, we believe that changes should be made to the BLPP to include YLL's Oxspring Fields, site as a housing allocation, followed by a further round of consultation, prior to the submission of the document to the Secretary of State. At the same time BMBC would also have the opportunity to remedy the identified lack of robustness and inaccuracies associated with the current evidence base.

8.4 Should the amendments requested by these representations not be made we would have strong concerns over the ability of a Government appointed Inspector to consider the Barnsley Local Plan sound in its current form. A conclusion shared by Sasha White QC where he stated in Paragraph 53 of his enclosed Legal opinion to YLL that: -

“On the basis of the information before me and my consideration of the evidence supporting the BLP, I consider that there is a real risk of the BLP as drafted not being found to be sound in the process of the examination. Such a finding would be likely to result in substantial delay to adoption, as is clearly evidenced from the experience

in other authorities (see e.g. the plan processes in Cheshire East and Medway, to name just two). There is an opportunity at this stage to make changes to the BLP to address the deficiencies identified above in respect of the Green Belt review and housing numbers so far as these matters impinge on YLL's sites. If that opportunity is missed, the same points are likely to be raised during the examination by Counsel and will have a strong prospect of persuading the Inspector that adoption cannot be recommended."

- 8.5 Whilst Sasha White QC's opinion was based on the previous version of the Draft Barnsley Local Plan (published November 2014) it is clear that the required amendments needed to render the document sound have not been made to the BLPP prior to its publication and therefore remain up to date and relevant for consideration.