

Inspector Housden
c/o Mr Richard Gilbert
Local Plan Programme Officer
Forwarded via Planning Policy Team
Economic Regeneration
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley S70 9GG

28th March 2018

Dear Inspector Housden,

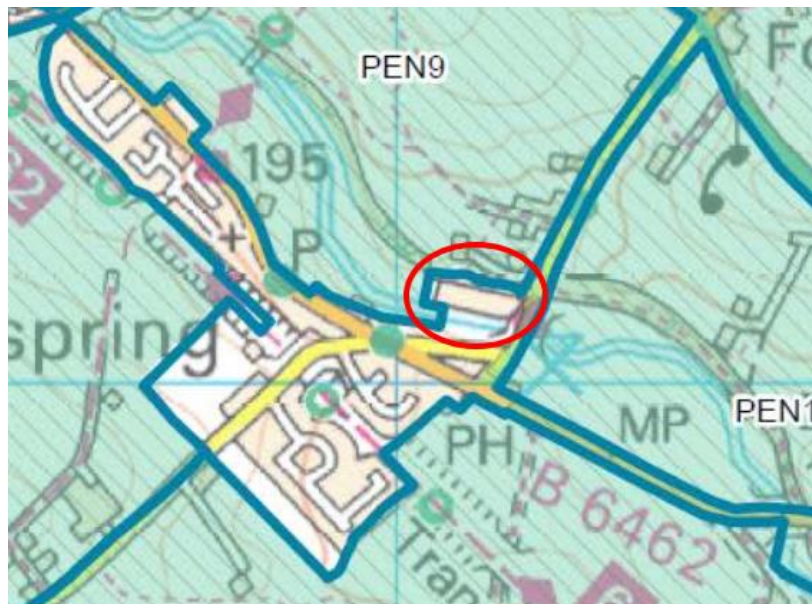
HOUSING NEEDS OF PENISTONE & THE WESTERN VILLAGES – ARUP GREEN BELT REVIEW CONCERNS – NEW EVIDENCE

We apologise again for writing to you at this time, however, following a review of recent correspondence dated 26th March 2018 between my client Yorkshire Land Limited (YLL) and BMBC (enclosed for your review), further analysis of the ARUP Green Belt Review has identified some startling new evidence in respect of our client's Millstones, Oxspring site.

Within the recent correspondence referred to above, YLL have informed BMBC of a number of inaccuracies associated with the ARUP Strategic Housing & Employment Land Availability Assessment (SHELAA). These inaccuracies have been identified to BMBC in the past and you will have no doubt seen them in previous submissions YLL have made through the Barnsley Local Plan consultation and Examination in Public process.

There is, however, one inaccuracy referenced by YLL that has led me to undertake further assessment work. This is ARUP's reference to the Millstones site being located "*within a village*". Whilst we appreciate this reference is given to sites currently located outside of the defined settlement limits of Villages, given the number of flaws we have identified within the ARUP Green Belt Review (as set out in our letter to you dated 14th March 2018 and our Stage 4 Hearing Statements), we wanted to review the document once more in respect of the Millstones site.

Our further review of the ARUP Green Belt Review has identified that YLL's Millstones site **wasn't included within an assessed General Area within the ARUP Green Belt Review**. The site is located adjacent to assessed General Area PEN9. I refer to the map extract below taken from Page 73 of the document: -



As you can see, there is an area of land located adjacent to the west of the existing Millstones development site that is situated between the existing development and the General Area PEN9 boundary. We would also argue that the shading of this area is different to the areas of Green Belt located around the site, meaning that the ARUP Green Belt Review does not consider this parcel of land to be included in the Green Belt.

This parcel of land is of course YLL's Millstones site that they have been promoting as a potential residential development site for a number of years now.

This presents a huge issue in respect of the soundness of the Local Plan in respect of a reasonable assessment of alternatives.

The fact that the site hasn't been assessed within a General Area means that it has also not been identified within a "resultant parcel". Which is a precursor to a site's release from the Green Belt within the Local Plan.

The ARUP Green Belt Review approach and Method report identifies at paragraph 5.3.2 that following the initial sift of formal national-level statutory designations, General Areas were assessed for three further site-based constraints including Flood Risk, Historic Environment and Topography/Landscape/Visual matters. The aim of this approach was that it would further refine the land which is potentially suitable for release from the Green Belt as a "resultant parcel".

Consequently, the Millstones site has not been assessed against these three further site-based constraints prior to its release. Evidence is provided within our Stage 4 Hearing Statement in association with Site Ref. EC8, to justify that if a proper assessment of the site had taken place by ARUP then this assessment would have confirmed that the site can be considered deliverable and would have been taken forward as a "resultant parcel" and consequently a housing allocation.

In this regard, discussions with BMBC in late 2017 identified that the site was due to be identified as a proposed housing allocation in Oxspring. Demonstrating BMBC's acceptance that the site can be considered a truly deliverable residential development site. However, disappointingly, the site's allocation did not materialise within the recently published Background Paper 8 document. This was firmly on the basis of the site not being included in a "resultant parcel". Which as we now know is on account of the issues we raise above in respect of the ARUP Green Belt review.

Within our hearing statement associated with Site Ref EC8, we identified a number of factors associated with how the Millstones site represents somewhat of an anomaly of the current Green Belt boundary. These points are set out below for ease of reference. It is considered that the latest issues we have identified with the ARUP Green Belt Review re-affirms each of these points: -

- The current boundary of the Green Belt runs through the land as an imaginary line rather than against a physical feature, as the rear garden fence of the existing built properties at Millstones is not the defined boundary.
- We don't consider the rear garden fences of the Millstones site to represent an appropriate or sympathetic boundary to the Green Belt in this location.
- The development of this small remaining part of the Millstones site would enable the delivery of the Borough's high quality, executive, family housing (a type which the Borough requires) whilst also being able to utilise and potentially enhance the site's existing defensible boundary to the west to form a long term, defensible, boundary to the Green Belt.
- At the time the current Green Belt boundary was established by the adoption of the UDP in December 2000, the Council simply drew a line on a plan in an attempt to reflect the extent of the planning approval B/95/0224/PR (site allocation WR2/7) which now forms the existing part of the Millstones development.
- Other than the contour of the (then) recently created land mound, there were no defensible features on the ground to the west of the site which could be utilised to define the Green Belt boundary adjacent to the previously approved and now developed part of the Millstones site. A planning application had been granted for the creation of the landscaped mound (Planning Application Reference B/94/0109/PR). The design and creation of this feature was far more involved than simply forming a bund and planting trees.
- Due to the large scale of the UDP Inset Map (1: 10,000) and as the Council were not working to physical features on the ground to define the Green Belt boundary, the exact location in which the Green Belt boundary lies in that location cannot be categorically established. Indeed, the line on the map at a scale of 1: 10,000 could be anything from 3m to 5m in width.
- There has been a significant and categorical change in physical features since the adoption of the UDP, with a densely wooded area now present on the western boundary of the site which could be utilised to form an enduring and defensible Green Belt boundary in this location. It is our view that the landscaped mound, which now provides an established woodland edge, would create a logical and an entirely more appropriate boundary to the Green Belt in this location.
- This densely wooded area has the same characteristics as, and merges into, the woodland containing the existing Millstones development to the north. The Council are utilising the existing woodland to the north of the Millstones as the Green Belt boundary. Surely then, in accordance with guidance presented in the NPPF, the Council should also utilise the woodland located to the west of the Millstones site to provide a long term, appropriate, defensible boundary to the Green Belt.
- Whilst we acknowledge that the Council refer to the recent appeal case at the Millstones, Oxspring site as a reason to retain the current Green Belt boundary, it should be recognised that the appeal decision took account of the Green Belt boundary as defined by the current UDP. The appeal process could not of course be used to amend it. An amendment to the Green Belt boundary is therefore being pursued as part of the emerging Local Plan process.

- As part of any review of Green Belt boundary at the Millstones site, as a starting point we would hope that the Council would seek to look at the site with a fresh pair of eyes and take to one side any current lines drawn on a map 17 to 20 years ago. In doing so the Council would view a site that is currently redundant, has a fully adopted access road leading to it, presently provides an inappropriate Green Belt boundary which is unmarked on the ground and not defined by a strong, enduring, physical or defensible boundary, but has strong robust physical features on its north, west and southern boundaries.

On account of the above evidence, we consider there to be two potential outcomes. The first being that the ARUP Green Belt assessment is considered accurate and thus the Green Belt boundary should be amended to include the Millstones site within the development limits of Oxspring, and with it rectifying a current Green Belt anomaly. Which BMBC could simply seek to undertake as an amendment to the Green Belt boundary as they have done with at least two other Green Belt anomalies across the Borough.

Secondly, this issues is added to the other concerns we have raised in respect of the soundness of the ARUP Green Belt Review, giving greater weight to the justification for the document to be amended to include a re-assessment of General Area PEN9, along with Site Ref. P2 and General Area PEN11 in order for the document to be considered a sound and robust evidence base document of the Local Plan.

Again, we apologise for writing to you at this time. However, given the implications of the above evidence in respect of the Stage 4 hearing sessions, we wanted to give you as much advance warning as possible of these concerns.

I can confirm that I have sent a copy of this letter to BMBC as well for their information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'P. Butler', with a stylized flourish extending to the right.

PAUL BUTLER
Director

YORKSHIRE LAND

Limited

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Our ref YLL/BMBC/2017-03.02

26 March 2018

Ms Paula Tweed

Planning Policy Group Leader, Planning Policy

Economic Regeneration Service

Place Directorate

Barnsley Metropolitan Borough Council

PO Box 604

BARNSLEY S70 9FE

Sent by email to

paulatweed@barnsley.gov.uk

Dear Ms Tweed,

BARNSLEY STRATEGIC HOUSING & EMPLOYMENT LAND AVAILABILITY ASSESSMENT

We refer to your email of Tuesday, 20 March 2018 regarding the inaccuracies in the Arup Barnsley Green Belt Review concerning General Area PEN11, to which we provided our response the same day. Whilst as set out within our letter (reference YLL/BMBC/2018-03.01) we do not accept the Councils explanation in respect of the scoring of General Area PEN11, we note the promptness in which the Council has sought to respond to our representations concerning this important matter.

Whilst reviewing matters further, we note that the Council has **failed to acknowledge** other inaccuracies contained which are contained within the Strategic Housing and Employment Land Availability Assessment (SHELAA) undertaken by Arup, which are highlighted in the representation submitted on our behalf by Peter Brett Associates (PBA) on 19 August 2016. This representation is enclosed for your ease of reference.

It is worthy to point out that the PBA specifically sets out within the third paragraph on page one that:

"The specific purpose of our current representation is to draw attention to factually incorrect information and seriously flawed assumptions in the Strategic Housing and Employment Land Availability Assessment update 2016, which was undertaken by Arup and published by the Council on 7 July 2016"

26 March 2018

Clearly the Council commissioned Arup to undertake the SHELAA for a specific purpose – to provide up to date and sound evidence in respect of the suitability of potential site options, which the Council can subsequently rely upon in the site selection process.

It is without question considering the inaccuracies highlighted in the PBA representation, that the Arup SHELAA insofar as it affects our three sites is unsound and therefore cannot be relied upon as evidence by the Council or the Local Plan Inspector.

As you are aware, the Stage 4 Hearing Sessions are scheduled to commence in a little over three weeks and we believe it would be prudent for the Council to confirm how it proposes to deal with the **important inaccuracies** identified in the enclosed representation by PBA.

Yours sincerely

YORKSHIRE LAND Limited



Steven Green
Managing Director

Cc *Mr Joe Jenkinson* - *Head of Planning, Barnsley MBC*
 Mr Richard Gilbert - *Programme Officer, Barnsley Local Plan Examination*
 Mr Bernard Greep - *Partner, Peter Brett Associates*
 Mr Paul Butler - *Director, PB Planning*

Encs *Representation Submitted to the Barnsley Local Plan Publication Consultation on 19 August 2016 by Peter Brett Associates on behalf of Yorkshire Land Limited*



Your ref:

Our ref: 38948

19 August 2016

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Barnsley BMBC
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Sent via email: localplanconsultation@barnsley.gov.uk

Dear Sirs,

**Barnsley Local Plan Publication Draft 2016 on behalf of Yorkshire Land Limited
(Representor ID 23082)**

This representation to the Barnsley Local Plan Publication Draft 2016 is submitted by Peter Brett Associates ('PBA') on behalf of Yorkshire Land Limited ('YLL').

Our representation relates to YLL's sites at Hunningley Lane in Worsbrough Dale, Millstones in Oxspring, and Sheffield Road in Oxspring (known as 'Oxspring Fields'), and it follows on from our submission to the Barnsley Local Plan Consultation Draft 2014, dated January 2015. PBA and our client have also liaised extensively with Barnsley Council in recent years regarding the three sites, which are therefore well-known to the Council.

The specific purpose of our current representation is to draw attention to factually incorrect information and seriously flawed assumptions in the Strategic Housing and Employment Land Availability Assessment Update 2016 ('SHELAA'), which was undertaken by Arup and published by the Council on 7 July 2016. The SHELAA follows on from the Barnsley Housing Study which PBA undertook for the Council in 2013/2014.

Barnsley Housing Study

PBA was commissioned by Barnsley Council in April 2013 to undertake the Barnsley Housing Study. The main role of the study was to provide recommendations on the delivery of a broad mix of housing in locations attractive to the market, the findings from which could then be used to inform the allocation of appropriate sites in the emerging Local Plan. We provided our final outputs to the Council in the form of three reports dated January 2014, namely Study 1: Strategic Housing Land Availability Assessment ('SHLAA'); Study 2: Site Identification Study; and Study 3: Advice on Local Plan Strategy and Policies.

J:\38000 to 38999\38948 Barnsley Local Plan Consultation 2016\SHELAA Rep - August 2016\4502 Millstones SHELAA Rep\Reps-Tech Notes\Draft report\Letter\Barnsley LP Publication Draft - YLL Representation 19.08.16.docx

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In May 2014, we were approached by YLL for the first time and were asked to provide an unbiased, professional opinion of the credentials of various sites within its control¹. Having completed our work with the Council, we reviewed the documents commissioned by YLL, followed by visits to the sites in July 2014, and we formed the view that the case being put forward for the sites' release fully accords with the findings of the Barnsley Housing Study. On that basis we felt comfortable with supporting YLL's case for the release of those sites, and as noted above we have made submissions to the emerging Local Plan process in this regard.

Land at Hunningley Lane, Worsbrough Dale

PBA SHLAA 2014 – Site ID 547

The Hunningley Lane site performed well against 'availability' and 'achievability' criteria in the SHLAA, and it also performed well against the vast majority of the 'suitability' criteria. The site achieved an overall Category 2 rating in the SHLAA rather than Category 1 with the only two reasons for this being that, at that time, it was thought the site was likely to be only 'moderately' attractive to the market, and because it was incorrectly assessed as being located adjacent to (as opposed to within) Urban Barnsley.

Regarding the first point above, as we explained in our submission to the Local Plan Consultation Draft 2014, Persimmon Homes has subsequently confirmed its interest in the Hunningley Lane site, and three further national housebuilders (Avant Homes, Barratt Homes and Bellway Homes) have also expressed a firm interest in the site. This recent evidence confirms that the site is more than 'moderately' attractively to the market; rather, it is 'highly' attractive. Regarding the latter point, the site is actually located within Urban Barnsley, as confirmed by the plan from the adopted Barnsley Unitary Development Plan ('UDP') entitled 'Diagram 1, Community Areas' which we reproduced as Appendix 12 to our previous Local Plan representation regarding this site. At the request of YLL, we corrected the error regarding the site's location within Urban Barnsley and submitted an updated SHLAA pro-forma for the site to the Council in 2015. In our accompanying cover letter we informed the Council that the site should be considered a Category 1 site.

Arup SHELAA 2016 – Site ID 547

Arup's comments in relation to each potential site are contained within the extensive table which forms Appendix B to the SHELAA. We have reviewed Arup's comments regarding the Hunningley Lane site, some of which are factually incorrect. The table that is enclosed with this letter both highlights the erroneous information in the Arup assessment and provides the correct information in order to provide a balanced assessment of the site. In summary:

- **Description of Surrounding Land Uses** – We wish to expand on Arup's assessment of surrounding land uses in order to provide a more accurate picture of the site. The site is bounded to the north by a cemetery, to the south by White Cross Lane (not referenced by Arup), to the east by a railway within a deep cutting and to the west by the B6100 'Hunningley Lane' (Stairfoot to Worsbrough Bridge Corridor) beyond which is the Barnsley Academy and Sixth Form, associated greenspace, Vida Five-a-Side complex and surrounding residential development.

¹ The sites are at Wellhouse Lane (Penistone), Sheffield Road (Oxspring), Millstones (Oxspring), Huthwaite Lane (Huthwaite) and Hunningley Lane, Worsbrough Dale.



- Drainage – contrary to Arup’s comments, we confirm that there are no drainage constraints which could preclude development at the site; the only drainage infrastructure required is that which is normally associated with a residential scheme.
- Suitability of Location – Arup’s assessment is factually incorrect. As set out above the site is located wholly within ‘Urban Barnsley’, which is identified as the priority for growth in the Barnsley Local Plan, in accordance with its position within the Settlement Hierarchy.
- Geological constraints/mining cavities – YLL has commissioned technical assessments which confirm that the site is not affected by these constraints.
- Availability – Arup incorrectly states that no information has been provided, that the site could be in multiple ownership and as such that the site is only ‘potentially’ available. However, multiple detailed submissions to the Council throughout the plan preparation process have confirmed that the site is in single ownership, controlled and promoted by YLL, and that there are no land ownership constraints which could preclude the site’s early delivery.
- Market Attractiveness – Arup’s assumption is incorrect. As we explained above, whilst the area may generally be considered a ‘moderate’ demand area, this site is highly attractive to the market given that it benefits from the confirmed support of four national housebuilders which all want to develop the site, namely: Avant Homes, Barratt and David Wilson Homes, Bellway Homes and Persimmon Homes.
- Indicative housing yield – the figure of 423 dwellings quoted by Arup is a considerable over-estimate and is based on flawed assumptions relating to gross-to-net ratios and densities. It has previously been confirmed to the Council in various submissions that the site can accommodate approximately 329 dwellings, set around generous areas of public open space.
- Achievability/Delivery period – Arup places the site into the 5-10 year delivery category. However, the site could provide some dwellings within the ‘0-5 year’ period and given that the SHLAA is intended to be ‘policy neutral’ (as stated on pages 15 and 31 of the SHLAA report), there is no reason why the site should not feature in the 0-5 year period. Furthermore, Arup has placed all 423 dwellings within the 5-10 year period. Aside from the fact that the site is incapable of delivering such a high number of houses per se, it would be practically impossible to deliver 423 dwellings within a five-year delivery period on a single site. We reiterate that we previously advised the Council that the site has good achievability and can be used in the first five-year supply.
- Indicative employment yield – Arup’s notional employment yield for the site is irrelevant because the site is not being promoted for nor is it suitable for employment uses.

Land off Millstones, Oxspring

PBA SHLAA 2014 – Site ID 595

YLL’s Millstones site performed well against the ‘availability’, ‘achievability’ and ‘suitability’ criteria in the SHLAA, attaining an overall Category 1 rating. We also identified that the site can be used in the first five-year land supply.



Arup SHELAA 2016 – Site ID 595

The enclosed table provides our response to Arup's comments in the SHELAA regarding the Millstones site, which can be summarised as follows:

- Description of Surrounding Land Uses – We wish to clarify Arup's description of surrounding land uses. The site is actually bounded to the north and west by established woodland (not referenced by Arup), to the south by the River Don, and to the east by an existing low density residential development of 16 units entitled 'Millstones'.
- Drainage – Arup states: '*Some new drainage infrastructure required.*' For the avoidance of doubt, all technical matters including drainage and flood risk were resolved to the satisfaction of the Council and all statutory consultees as part of a recent planning application (ref. 2014/0482). The only new drainage infrastructure required is that which is normally associated with a small-scale residential scheme; a foul water manhole is located on site, to which drainage connections can be made.
- Surrounding Land Uses – Arup states: '*Site has bad neighbours with potential for mitigation.*' We are bemused by this comment, because the site does not have any bad neighbours, being surrounded by mature woodland, a river and an existing executive-style housing development.
- Suitability of Location – Arup is factually incorrect in stating that the '*site is within the village*'. Whilst the site does logically appear to be a part of the village of Oxspring, as opposed to a part of the surrounding area (formed predominantly of established woodland) the site actually adjoins the current defined boundary of the village. Unfortunately, the definition of the current boundary has led to the sterilisation of the site. Consequently, failure to amend the boundary through the current Local Plan process either by realigning the Green Belt with the established woodland on the site's western boundary or allocating the site for housing purposes, will result in continued sterilisation of the land for the foreseeable future. As set out above a planning application for the development of the site was submitted in 2014, which was refused by the Council and subsequently by a Planning Inspector on appeal, despite the site not serving any of the five Green Belt purposes set out within the NPPF. Therefore, the final opportunity to successfully rectify this matter now rests with the Local Plan Inspector and we would respectfully urge that he/she visits the site personally during the examination process to gain a firsthand insight of the site's characteristics.
- Availability – Arup incorrectly states that no information has been provided and that the site could be in multiple ownership. This is both factually incorrect and very disappointing. We have confirmed in numerous previous submissions to the Council that the site is in single ownership, controlled and promoted solely by YLL, and the Council is well aware that there are no land ownership constraints which could preclude the site's early delivery.
- Dwelling yield – Arup identifies a potential dwelling yield for the site of 14 units. The Council is aware, however, that YLL would like to develop four executive houses at the site in keeping with the existing executive housing development at Millstones, which adjoins the site. The figure of four dwellings is substantially fewer than the 14 houses suggested by Arup, which is based on the blanket density rate of 40 dwellings per hectare which Arup and the Council are now applying to sites throughout the Borough, irrespective of the local context and the need to provide for housing needs in full. A development of four properties



at the site (considered as an extension to the existing Millstones development) would complete the Millstones development, for which the adopted UDP (Policy WR2/7 – Bower Hill) indicates the capacity for a low density development of 20 dwellings, whereas only 16 dwellings are in existence. Furthermore, it is specifically identified in numerous high level Council reports and documentation that there is a need to deliver larger low density ‘executive’ style development in the more prosperous western parts of the Borough to retain and attract mid to high income households, professional, senior managerial and executive officers, in order to help support and implement the economic strategy (see Cabinet report reference CAB.6.6.2012/7) and diversify the demographic make-up of Barnsley.

- Achievability/Delivery period – Arup places the site into the 5-10 year delivery category. However, the site is fully deliverable well within the first five-year period of the Local Plan.
- Indicative employment yield – Arup’s notional employment yield for the site is irrelevant because the site is not being promoted for nor is it suitable for employment uses.

Land off Sheffield Road, Oxspring (‘Oxpring Fields’)

PBA SHLAA 2014 – Site ID 681

YLL’s Sheffield Road site performed well against the ‘availability’, ‘achievability’ and ‘suitability’ criteria in the SHLAA, attaining an overall Category 1 rating. We also identified that the site can be used in the first five-year land supply.

Arup SHELAA 2016 – Site ID 681

The enclosed table provides our response to Arup’s comments in the SHELAA regarding the Sheffield Road site, which can be summarised as follows:

- Description of Surrounding Land Uses – We wish to clarify Arup’s description of surrounding land uses. The site is bounded to the north by the B6462 ‘Sheffield Road’, to the south by the Trans-Pennine Trail, to the east by a private lane and disused/derelict depot (now proposed by YLL as a employment site) and to the west by the existing built form and community facilities of the village of Oxspring.
- Drainage – contrary to Arup’s comments, we confirm that there are no drainage constraints which could preclude development of the site; the only drainage infrastructure required is that which is normally associated with a residential scheme. Drainage reports commissioned by YLL and undertaken by Topping Engineers, which have been submitted to the Council, confirm that a viable drainage scheme can be delivered to support the proposed development.
- Bad neighbours – Arup states that the site has bad neighbours with potential for mitigation. However, this is factually incorrect as the site has no bad neighbours. The water works which Arup has misidentified in its assessment as a ‘bad neighbour’ is actually located within a valley bottom (and consequently it cannot be seen from the proposed housing site) on the far south eastern side of a disused depot which provides approximately 0.8km separation between the water works and YLL’s site. In passing, we note that YLL is seeking an employment allocation for the disused depot site through the Barnsley Local Plan process for the development of its ‘Blackmoor Business Park’ proposals. Furthermore and with reference to the ‘potential for mitigation’ section of Arup’s comment, YLL’s ‘Oxpring



Fields' proposal includes for the delivery of a significant country park with full public access, to be located between the housing development and the adjacent disused depot, which would provide significant mitigation in any event,

- Suitability of Location – Arup is factually incorrect in stating that the site is located within a village. Whilst the site relates more to the village of Oxspring and its development would complement the village's historical linear pattern of development between the Trans Pennine Trail and the B6462 Sheffield Road/River Don, it is presently located adjacent to the current village boundary, albeit approximately half of the proposed housing element of the site is included within the adopted boundary of the Oxspring Neighbourhood Plan Area.
- Geological constraints/mining cavities – YLL has commissioned technical assessments which confirm that the site is not affected by these constraints.
- Physical Limitations – Arup is incorrect in stating that there are minor physical constraints to the site's development. Having been closely involved in the proposals for the site we can confirm that there are no limitations which could preclude the development of any part of the site.
- Availability – Arup incorrectly states that no information has been provided, that the site could be in multiple ownership and as such that the site is only 'potentially' available. Those comments are baffling because we and YLL have made numerous submissions to the Council and we have liaised extensively with officers in recent years regarding this site. For the avoidance of any doubt, the site is in single ownership, controlled and promoted solely by YLL and there are no land ownership constraints which could preclude the site's early delivery.
- Indicative housing yield – the figure of 444 dwellings quoted by Arup is a severe over-estimate and is based on seriously flawed assumptions relating to gross-to-net ratios and densities. 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 as shown on the draft layout which is available to view via this link: <http://www.oxspring-fields.co.uk/wp-content/uploads/2015/04/Masterplan.pdf>. Furthermore, PBA's earlier SHLAA assessment identified that this site provides the potential to deliver much needed low-density housing in accordance with the Borough's adopted economic and housing strategy aspirations. Arup has also incorrectly included the country park element within its assumed area of land available for housing.
- Achievability/Delivery period – Arup places the site into the 5-10 year delivery category. However, the site could provide some dwellings within the '0-5 year' period and given that the SHLAA is intended to be 'policy neutral', there is no reason why the site should not feature in the 0-5 year period. Furthermore, Arup has placed all 444 dwellings within the 5-10 year period. Aside from the fact that the site is physically incapable of delivering such a high number of houses, it would be practically impossible to deliver 444 dwellings within a five-year delivery period on a single site. As set out above, we identified in the 2014 SHLAA that the site has good achievability and can be used in the first five-year land supply.
- Indicative employment yield – Arup's notional employment yield for the site is irrelevant because the site is not being promoted for nor is it suitable for employment uses.



Summary

We have identified a range of factual inaccuracies and serious methodological flaws in relation to Arup's assessment of YLL's sites at Hunningley Lane in Worsbrough Dale, Millstones in Oxspring and Sheffield Road in Oxspring ('Oxpring Fields'). These errors and flawed assumptions have the effect of substantially inflating the indicative dwelling yield for each site:

- Hunningley Lane – Arup's yield figure of 423 dwellings is some 94 dwellings higher than the 329 dwellings that can be comfortably delivered at the site;
- Millstones – Arup's yield figure of 14 dwellings is more than three times higher than the four dwellings which YLL would like to develop at the site; and
- Sheffield Road – Arup's yield figure of 444 dwellings is also drastically higher than the 150 dwellings that could comfortably be delivered at the site.

Accordingly, Arup's SHELAA assessments exaggerate the indicative yield by a very considerable 398 dwellings across these three sites alone (881 dwellings suggested by Arup compared with 483 dwellings that can realistically be delivered, when proper account is paid to site context and appropriate gross-to-net ratios and densities are applied). Arup has also failed to properly take into account the multitude of detailed submissions in relation to the three sites that have been made by and on behalf of YLL.

The flaws identified above are most disappointing considering the advanced stage of the plan preparation. Unlike at the time that PBA undertook the 2014 SHLAA, a significant level of evidence is available to the Council, at least in respect of these three sites. The failure to take information properly into account makes a mockery of the consultation process, and it must surely cast doubt on the credibility of the SHELAA and its role as a key piece of the Council's evidence base.

We trust the Council will take these comments into consideration in its future work on the Barnsley Local Plan.

Yours sincerely

BERNARD GREEP
Equity Director

For and on behalf of
PETER BRETT ASSOCIATES LLP

cc: Mr Steven Green, Managing Director, YLL
Enclosure: PBA Comments on Arup's 'SHELAA 2016' assessments for site refs. 547, 595 and 681

	Arup Assessment	PBA Response
Site ID	547	✓
Site Address	Land at Hunningley Lane, Worsbrough Dale	✓
Description of Surrounding Land Uses	Site is bound to the north by community services (cemetery), to the east by a railway line, to the [sic] and west by residential and greenspace area	We agree that the site is bounded to the north by a cemetery and to the east by a railway line. However, the site is bounded to the south by White Cross Lane and to the west by the B6100 'Hunningley Lane' (Stairfoot to Worsbrough Bridge corridor) beyond which is the Barnsley Academy and sixth form, associated greenspace, Vida five-a-side complex and surrounding residential development.
Access Infrastructure Constraints	Extensive new access infrastructure not required	✓
Drainage Infrastructure Constraints	Some new drainage infrastructure required	We confirm that as identified in the 2014 SHLAA undertaken by PBA for BMBC, there are no drainage constraints which could preclude the development of this site.
Ground Condition Constraints	Treatment/ remediation not expected to be required	We confirm that preliminary investigation has been carried out and that ground treatment/ remediation is not expected to be required.
Surrounding Land Uses	Site has no bad neighbours	✓
Soil Quality	Site is 3-5 agricultural land	✓
Suitability of Location	Site is within village	This is factually incorrect. The site is situated within Urban Barnsley, which is identified as the priority for growth during the plan period in accordance with its position in the settlement hierarchy.
AQMA Constraints	Site not within 800m of an AQMA	✓
Geological and Mining Constraints	Site within area likely to contain geological constraints of mining cavities	As already addressed in our extensive submissions for this site, Yorkshire Land Ltd has commissioned further investigations which demonstrate that the site is not affected by these issues.
Physical Limitations	No known constraints	✓
Potentially Suitable Uses	Housing	We reiterate that the site is suitable for housing.
Planning Status		The site is not the subject of any planning application and no evidence of historical planning applications is available.
Availability of Site	No information, but thought likely to be in private and/or multiple ownership	This is factually incorrect. The Council is well aware that this site is in single ownership, controlled and promoted by Yorkshire Land Limited. Numerous detailed representations have been submitted (including by Peter Brett Associates and Spawforth Associates and a National Housebuilder, Persimmon Homes) throughout the Plan preparation process in support of the site as a housing allocation within the Barnsley Local Plan.
Availability	Site is potentially available	This is factually incorrect. We reiterate that the site is immediately available.
Site Achievability	Achievable in next 10 years	We identified in the Barnsley Housing Study 2014 (undertaken on behalf of BMBC) that the site has good achievability and can be used in the first five-year land supply period.

	Arup Assessment	PBA Response
Site ID	547	✓
Site Address	Land at Hunningley Lane, Worsbrough Dale	✓
Market Attractiveness	Moderate demand areas	Whilst this location is generally a moderate demand area this particular site has significant developer interest by four national housebuilders; Avant Homes, Barratt and David Wilson Homes, Bellway Homes and Persimmon Homes. Persimmon Homes in particular has already drawn a preliminary development scheme for the site and each of the housebuilders would wish to develop the site in the short term if allocated.
Percentage of land available after physical constraints	100 per cent	Considering the requirement for public open space, it is wholly unrealistic to assume that 100 per cent of the land is developable, but we reiterate that there are no physical constraints which could preclude development of any part of the land.
Indicative Housing Yield (units)	423	Arup's yield figure is a considerable over estimate and is based on an over-simplistic multiplication of the site area by 40 dwellings per ha. This fails to reflect a realistic gross to net ratio typical of sites of this size (60 per cent being more appropriate than Arup's suggested 75 per cent), and 40 dwellings per ha is too dense. Furthermore, Arup has ignored the submissions by Yorkshire Land Ltd and Persimmon Homes confirming that technical work has been undertaken to inform a draft layout for the site, which shows that the site can accommodate 329 dwellings including a mix of 2, 3 and 4-bed family homes and areas of public open space.
0-5		See '5-10 year' comments.
5-10	423	It is unclear why the contribution from this site has been assumed to occur wholly within the 5-10 year period. As outlined in the representations by and on behalf of Yorkshire Land Ltd, this site is deliverable and can provide a contribution within the 0-5 year period as well as the 5-10 year period. Furthermore, it is practically impossible to deliver 423 dwellings at a single site within a five-year period.
10-15		N/A as the site can be delivered earlier, with development starting in the first five years of the Barnsley Local Plan
15+		N/A as the site can be delivered earlier, with development starting in the first five years of the Barnsley Local Plan
Indicative Employment Yield (ha)	5.64	The submissions made by and on behalf of Yorkshire Land Limited - and separately by Persimmon Homes - have made clear that the site is promoted solely for residential development. We reiterate that the site is not promoted, nor is it suitable for, employment development.

	Arup Assessment	PBA Response
Site ID	595	✓
Site Address	Land off Millstones, Oxspring	✓
Description of Surrounding Land Uses	Site is surrounded by greenspace area with residential area on eastern boundary. River on south/ western boundary	We can clarify that the site is bounded to the north and west by established woodland, to the east by an existing low density residential development of 16 units known as 'Millstones', and to the south by the River Don.
Access Infrastructure Constraints	Extensive new access infrastructure not required	✓
Drainage Infrastructure Constraints	Some new drainage infrastructure required	We confirm that as identified in the 2014 SHLAA undertaken by PBA for BMBC, there are no drainage constraints which could preclude the development of this site. The only drainage infrastructure required is that which is needed to serve a residential development.
Ground Condition Constraints	Treatment/ remediation not expected to be required	We confirm that preliminary investigation has been carried out and that ground treatment/ remediation is not expected to be required.
Surrounding Land Uses	Site has bad neighbours with potential for mitigation	This is factually incorrect and we are mystified why this site has been identified as having 'bad neighbours'. As is evident even from Arup's 'description of surrounding land uses', there are no bad neighbours to affect.
Soil Quality	Site is 3-5 agricultural land	✓
Suitability of Location	Site is within village	This is factually incorrect. We can clarify that the site is situated immediately adjacent to the existing village boundary, which sterilises the development of the site for residential uses.
AQMA Constraints	Site not within 800m of an AQMA	✓
Geological and Mining Constraints	Site not within area likely to contain geological constraints of mining cavities	The site is located in the western part of Barnsley Borough which in contrast with the east of the Borough, has very little mining heritage. Furthermore, our client was closely involved in the development of the adjoining low density residential development entitled 'Millstones' where no such constraints were encountered. Accordingly, we can confirm that the site is not affected by these constraints.
Physical Limitations	No known constraints	✓
Potentially Suitable Uses	Housing	We reiterate that the site is suitable for housing.
Planning Status		The site was the subject of a planning application for 4 detached, large low density dwellings in 2014 (application ref. 2014/0482) which was subsequently the subject of a planning appeal (re. APP/R4408/W/15/3005950). The site is currently within the Green Belt and sterilised by the existing village boundary which we believe should be amended through the Local Plan process to align with the established woodland on the site's western boundary. We do not believe that the site fulfils any of the five purposes of Green Belt which are identified within the National Planning Policy Framework

	Arup Assessment	PBA Response
Site ID	595	✓
Site Address	Land off Millstones, Oxspring	✓
Availability of Site	No information, but thought likely to be in private and/or multiple ownership	This is factually incorrect. The Council is well aware that this site is in single ownership, controlled and promoted by Yorkshire Land Limited. The site was the also subject of a planning application and subsequently a planning appeal, in which numerous high ranking Council officers were involved. In addition, various detailed representations have been submitted (including by PBA, Spawforth Associates and Walton and Co) throughout the Plan preparation process in support of the site as a housing allocation within the Barnsley Local Plan.
Availability	Site is potentially available	This is factually incorrect. We reiterate that the site is immediately available.
Site Achievability	Achievable in next 10 years	We identified in the Barnsley Housing Study 2014 (undertaken on behalf of BMBC) that this site has good achievability and can be used in the first five-year land supply.
Market Attractiveness	High demand areas	We confirm that the site is situated in a high demand area in the western part of the Borough which is identified by Council evidence as the best location for the construction of large low density of executive homes.
Percentage of land available after physical constraints	100 per cent	We reiterate that there are no physical constraints to the development of any part of the land and accordingly that 100 per cent of the land is developable.
Indicative Housing Yield (units)	14	Arup's yield figure is a considerable over estimate and is based on a simplistic multiplication of the site area by 40 dwellings per ha. The Council is well aware of planning application ref. 2014/0482 which proposed a detailed scheme of four large low density executive homes (to contribute towards the identified need for such dwellings).
0-5		See '5-10 year' comments.
5-10	14	It is unclear why the contribution from this site has been assumed to occur within the 5-10 year period. As outlined in the representations of Yorkshire Land Ltd, the scale of this site (four dwellings) means that it is fully deliverable within the 0-5 year period.
10-15		N/A as the site can be delivered in the first five years of the Barnsley Local Plan
15+		N/A as the site can be delivered in the first five years of the Barnsley Local Plan.
Indicative Employment Yield (ha)	0.16	The submissions made by and on behalf of Yorkshire Land Limited have made clear that the site is promoted solely for residential development of large low density design to be in keeping with the existing 'Millstones' residential development which is situated immediately adjacent to the site. We reiterate that the site is not promoted, nor is it suitable for, employment development.

	Arup Assessment	PBA Response
Site ID	681	✓
Site Address	Land off Sheffield Road, Oxspring	✓
Description of Surrounding Land Uses	To the north is vacant land and Sheffield Road. To the east is water treatment infrastructure. To the south is agricultural land. To the west is agricultural land.	We can clarify that the site is bounded to the north by the B6462 (Sheffield Road), to the south by the Trans Pennine Trail, to the east by a private lane and a large disused depot (beyond which, approximately 0.50 miles from the proposed housing site, is the water treatment infrastructure referenced by Arup), and to the west by existing development and community facilities in the village of Oxspring.
Access Infrastructure Constraints	Extensive new access infrastructure not required	✓
Drainage Infrastructure Constraints	Some new drainage infrastructure required	We confirm that as identified in the previous SHLAA undertaken by PBA for BMBC, there are no drainage constraints which could preclude the development of this site. The only drainage infrastructure required is that which is needed to serve a residential development.
Ground Condition Constraints	Treatment/ remediation not expected to be required	We confirm that preliminary investigation has been carried out and that ground treatment/ remediation is not expected to be required.
Surrounding Land Uses	Site has bad neighbours with potential for mitigation	This is factually incorrect. Located Between the water works (which Arup identifies as a bad neighbour) and the Oxspring Fields site is the former depot (currently derelict and unutilised) upon which YLL is now seeking an employment development allocation in the Local Plan for the development of the proposed 'Blackmoor Business Park'. The water works is located in a valley bottom approximately 0.50 miles from the proposed housing site and therefore cannot be seen. In any event, infrastructure to the south east of the proposed housing site will be separated and screened by the country park which is to be provided as part of the development. In summary, there are no bad neighbours to affect or be affected by the proposed housing development.
Soil Quality	Site is 3-5 agricultural land	✓
Suitability of Location	Site is within village	This is factually incorrect. We can clarify that the site is situated adjacent to the existing village boundary, although the site's development would complement Oxspring's historical linear pattern of development between the Trans Pennine Trail and the B6462 Sheffield Road / River Don. Furthermore, approximately half or 3.17 hectares (7.83 acres) of the proposed housing element of the site is included within the adopted Oxspring Neighbourhood Plan Area Boundary, which extends beyond the Parish Boundary.
AQMA Constraints	Site not within 800m of an AQMA	✓
Geological and Mining Constraints	Site within area likely to contain geological constraints of mining cavities	As already addressed in our extensive submissions for this site, Yorkshire Land Ltd has commissioned further investigations which demonstrate that the site is not affected by these issues.
Physical Limitations	Minor constraint	We note that the SHLAA assessment undertaken by ourselves in 2013/2014 (on behalf of BMBC) identified that the developable area should be discounted by approximately 20 per cent to account for the presence of telegraph poles. However, having subsequently been involved closely in the proposals for the site, we can now confirm that these services would be re routed underground as part of the development and so there are no physical limitations which could preclude the development of any part of the site.
Potentially Suitable Uses	Housing	We reiterate that the site is suitable for housing.

	Arup Assessment	PBA Response
Site ID	681	✓
Site Address	Land off Sheffield Road, Oxspring	✓
Planning Status		The site is not the subject of any planning application and no evidence of historical planning applications is available.
Availability of Site	No information, but thought likely to be in private and/or multiple ownership	This is factually incorrect. The Council is well aware that this site is in single ownership, controlled and promoted by Yorkshire Land Limited. Numerous detailed representations have been submitted (including by Peter Brett Associates, Spawforth Associates, PB Planning and Walton and Co and a National Housebuilder, David Wilson Homes) throughout the plan preparation process in support of the site as a housing allocation within the Barnsley Local Plan.
Availability	Site is potentially available	This is factually incorrect. We reiterate that the site is immediately available.
Site Achievability	Achievable in next 10 years	We identified in the Barnsley Housing Study 2014 (undertaken on behalf of BMBC) that the site has good achievability and can be used in the first five-year land supply.
Market Attractiveness	High demand areas	We confirm that the site is situated in a high demand area in the western part of the Borough which is identified by Council evidence as the best location for the construction of large low density of executive homes. Furthermore, National Housebuilder 'David Wilson Homes' has expressed a firm interest in developing the site at the earliest opportunity.
Percentage of land available after physical constraints	100 per cent	Considering the requirement for public open space, it is wholly unrealistic to assume that 100 per cent of the land is developable. However, we reiterate that there are no physical constraints which could preclude development of any part of the land.
Indicative Housing Yield (units)	444	Arup's yield figure is a considerable over-estimate and is based on a simplistic multiplication of the site area by 40 dwellings per ha and an unrealistic gross-to-net ratio. A realistic gross to net ratio for sites of this size is 60 per cent rather than Arup's suggested 75 per cent, and 40 dwellings per ha does not reflect the current industry norm. Furthermore, Arup has ignored the submissions by and on behalf of Yorkshire Land Ltd confirming that technical work has been undertaken to inform a draft layout for the site, which shows that the site can accommodate approximately 150 family homes set around large areas of public open space. An additional factor in Arup's over estimation of housing yield from the site is that the Country Park element of the proposed Scheme has not been taken into account in their calculations.
0-5		See '5-10 year' comments.
5-10	444	It is unclear why the contribution from this site has been assumed to occur wholly within the 5-10 year period. As outlined in the representations by and on behalf of Yorkshire Land Ltd, this site is deliverable and can provide a contribution within the 0-5 year period as well as the 5-10 year period. Furthermore, it is practically impossible to deliver 444 dwellings at a single site within a five-year period
10-15		N/A as the site can be delivered earlier, with development starting in the first five years of the Barnsley Local Plan
15+		N/A as the site can be delivered earlier, with development starting in the first five years of the Barnsley Local Plan
Indicative Employment Yield (ha)	5.92	The submissions made by and on behalf of Yorkshire Land Limited and separately by David Wilson Homes have made clear that the site is promoted solely for residential development. We reiterate that the site is not promoted for, nor is it suitable for, employment development.

Local Plan Publication – 24 June to 5 August 2016

Comments Form - Ideally we would like you to use our online consultation portal at <http://consult.barnsley.gov.uk/portal>

If you are unable to do this then send us your completed comments form by e-mail to localplanconsultation@barnsley.gov.uk or by post to the following address:

Planning Policy Team
Economic Regeneration
BMBC
PO Box 634
Barnsley
S70 9GG

Introduction

Barnsley Council has produced this local plan to guide the future development of the borough. Various previous iterations have been the subject of public consultation and the council is now satisfied that it has a sound plan and wishes to submit this version to the Secretary of State for Communities and Local Government after the close of this consultation.

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

- **Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with policies in the Framework.

This consultation seeks views on legal compliance, compliance with the Duty to Cooperate and the four tests of soundness. Consideration should be given to the advice on making a representation attached to this consultation.

The council is also seeking to understand at this stage whether representors wish to take part in the independent examination of the plan.

IMPORTANT

Please note that any comments you make will be made publically available and attributed to your name.

We must receive all responses by 5pm on Friday 5th August 2016 to enable us to give them proper consideration.

For official use only:	
Personal Details*	Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the ID Number, Title and Name boxes below, but complete the full contact details of the agent in column 2.</i>	
ID Number (if known)	23082
Title	Mr
First Name	Bernard
Last Name	Greep
Job Title	Equity Director
Organisation	Peter Brett Associates LLP
Address Line 1	61 Oxford Street
Line 2	Manchester
Line 3	
Line 4	
Post Code	M1 6EQ
Telephone	0161 245 8900
E-mail Address	bgreep@peterbrett.com

Declaration: I understand that all comments submitted will be considered by the Authority in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation:	
Signature: Mr Bernard Greep	Date: 19 August 2016

Would you like to be contacted about the Barnsley Local Plan?

Yes..... No.....

Question 1

Do you consider that the Local Plan is legally compliant?

(Please select one answer)

Yes.....

No.....

Please give reasons for your answer to Question 1.

(Continue on a separate sheet if required)

As discussed further within the enclosed letter of representation and associated submission, it is very clear that our previous submissions regarding the treatment of Yorkshire Land Limited's (YLL's) Millstones site in the Barnsley Green Belt Review have been ignored. On several occasions we specifically requested that YLL's Millstones site be assessed separately as part of the SHELAA but it is clear that the Council's consultants (Arup) have not been asked to do so.

The failure to take information properly into account makes a mockery of the consultation process, and it must surely cast doubt on the credibility of the SHELAA and its role as a key piece of the Council's evidence base.

Question 2

Do you consider the Local Plan is compliant with the Duty to Cooperate?

(Please select one answer)

Yes.....

No.....

Please give reasons for your answer to Question 2.

(Continue on a separate sheet if required)

Please see enclosed letter of representation and associated submission.

Question 3

In your opinion, is the Local Plan positively prepared?

(Please select one answer)

Yes.....

No.....

Please give reasons for your answer to Question 3.

(Continue on a separate sheet if required)

As discussed further within the enclosed letter of representation and associated submission, the Council has failed to positively engage with site promoters. Our repeated requests to the Council to instruct Arup to undertake an individual assessment of YLL's site at Millstones in Oxspring have been ignored.

Question 4

In your opinion, is the Local Plan justified?

(Please select one answer)

Yes.....

No.....

Please give reasons for your answer to Question 4.

(Continue on a separate sheet if required)

As discussed further within the enclosed letter of representation and associated submission, there is factually incorrect information and seriously flawed assumptions applied in the SHELAA. This undermines the credibility of the evidence base supporting the Local Plan and therefore the policy choices made.

Question 5

In your opinion, is the Local Plan effective?

(Please select one answer)

Yes.....

No.....

Please give reasons for your answer to Question 5.

(Continue on a separate sheet if required)

As discussed within the enclosed letter of representation and associated submission, we have identified a range of factual inaccuracies and serious methodological flaws in relation to Arup’s assessment of YLL’s sites at Hunningley Lane in Worsbrough Dale, Millstones in Oxspring and Sheffield Road in Oxspring (‘Oxspring Fields’). These errors and flawed assumptions have the effect of substantially inflating the indicative dwelling yield for each site. If multiplied over the various sites considered within the SHELAA, this leads to a significant overestimation of the potential housing yield and the assumptions of the deliverability of the Plan’s housing target.

In addition, we note that the need for low density dwellings in the top bracket of the housing market has been publicly recognised by the Council; however the Local Plan fails to adequately consider the need for top end housing.

Question 6

In your opinion, is the Local Plan consistent with national policy?

(Please select one answer)

Yes.....

No

Please give reasons for your answer to Question 6.

(Continue on a separate sheet if required)

The Council has failed to undertake “*meaningful engagement and collaboration with neighbourhoods, local organisations and businesses*”, in accordance with paragraph 155 of the NPPF.

Please see enclosed letter of representation and associated submission for further details.

Modifications to the Local Plan

Please note that:

- Any non-compliance with the Duty to Co-operate is incapable of modification at examination.
- You will need to say why your modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
- Your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representation based on the original representation at publication stage.
- After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues she/he identifies for examination.

Late representations cannot be considered.

Question 7

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound.

(Continue on a separate sheet if required)

As discussed within the enclosed letter of representation and associated submission, the credibility of the SHELAA and its role as a key piece of the Council's evidence base is in serious doubt. The SHELAA needs to be revisited to address the identified flaws, thus ensuring that the Local Plan is legally compliant and sound.

In addition, the Barnsley Green Belt Review, which underpins the Local Plan, fails to appropriately assess the suitability of YLL's Millstones site to be released from the Green Belt; the site is treated in relation to a huge area of land which is some 1,600 times larger.

As discussed further within our representation, we also consider that the housing density proposed within the Local Plan fails to adequately consider low-density housing needs across the Borough.

Independent Examination

Would you like to take part in the Independent Examination?

Please note that written and oral representations carry the same weight and will be given equal consideration by the Inspector.

The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate.

Question 8

If your representation is seeking a modification to the Local Plan, do you consider it necessary to speak at the Independent Examination?

(Please select one answer)

Yes.....

No.....

If you have answered 'Yes' to Question 8, above, please outline why you consider this to be necessary.

(Continue on a separate sheet if required)

As discussed within the enclosed letter of representation and associated submission, it is very clear that our previous submissions regarding the assessment of our clients' sites have been ignored and therefore the credibility of the SHELAA is in doubt.

We intend to draw our serious concerns to the Inspector's attention in person at the forthcoming examination hearing sessions. We wish to ensure that our client's sites have been appropriately considered as part of the Local Plan preparation process. We reserve the right to discuss the assessment of any other sites as necessary.

YORKSHIRE LAND

Limited

PO Box 785, HARROGATE, HG1 9RT

E-mail: office@yorkshireland-ltd.com

Telephone: 01423 770335

Our ref YLL/BMBC/2018-03.03

26 March 2018

Ms Paula Tweed

Planning Policy Group Leader, Planning Policy
Economic Regeneration Service
Place Directorate
Barnsley Metropolitan Borough Council
PO Box 604
BARNLSLEY S70 9FE

Sent by email to
paulatweed@barnsley.gov.uk

Dear Ms Tweed,

ARUP BARNLSLEY SHELAA UPDATE - RESPONSE TO EMAIL BY BARNLSLEY COUNCIL PLANNING POLICY GROUP LEADER DATED 26 MARCH 2018

Thank you for your email response (enclosed) to our letter of 26 March 2018, reference YLL/BMBC/2018-03.02

We are disappointed with your response to the very important matter we have raised in our letter of earlier today. The evidence set out in the representation dated 19 August 2016 and submitted by Peter Brett Associates (PBA) in response to the Arup SHELAA regarding our three sites at Hunningley Lane, Millstones and Oxspring Fields has been provided in good faith and is **factually correct**, rather than forming a difference of opinion with that of the council, as you suggest in your email, for the reasons set out below.

Whether or not these sites have been identified as "*initial exclusions in the site selection process*" as you have identified within your email is, with respect, irrelevant in this matter. The SHELAA is an evidence based document which must be predicated upon sound and factual evidence.

The Council's decision to ignore the information provided by PBA and rely upon **incorrect evidence** will clearly **prejudice our site interests** when they are assessed through the Site Selection Process, whether or not these sites have subsequently been identified as resultant parcels within the Barnsley Green Belt Review, which as set out in our letter reference YLL/BMBC/2018-03.01, we believe should be the case in respect of our site at Oxspring Fields (SHELAA SITE ID: 681).

In terms of your contention that the issues raised in the PBA representation are differences of opinion rather than factual inaccuracies. This is clearly an **untrue assertion**, as we can

clarify in respect of the following criteria for each of our three sites considered through the SHELAA process, utilising the evidence provided within the representation by PBA:

SITE ID 547 - LAND AT HUNNINGLEY LANE, WORSBROUGH DALE

Arup identify within the suitability of location criteria that the site is within a village. **This is factually incorrect.** The site is situated within Urban Barnsley, which is identified as the priority for growth during the Local Plan period in accordance with its position in the settlement hierarchy.

Arup identify within the availability of site criteria that there is no information, but is thought likely to be in private and/or multiple ownership. **This is factually incorrect.** The Council is in receipt of a multitude of representations made in respect of this site by Yorkshire Land Limited since 2004. The site has also been the subject of several meetings with senior officers of the Council, which therefore well aware that the site is in single ownership and under the single control of Yorkshire Land Limited.

Arup identify within the availability criteria that the site is potentially available. **This is factually incorrect.** The Council is well aware that the site has been promoted actively for housing development since 2004 by Yorkshire Land Limited and that the site is immediately available for this purpose if the site is removed from the Green Belt and identified as a housing allocation through the Local Plan process.

Arup identify within the indicative Employment Land Yield (ha) criteria that the site is capable of providing 5.64 hectares of employment development. **This is factually incorrect.** The submissions made by and on behalf of Yorkshire Land Limited - and separately by Persimmon Homes - have made clear that the site is promoted solely for residential development. We reiterate that the site is not promoted, nor is it suitable or available for, employment development.

SITE ID 595 - LAND OFF MILLSTONES

Arup identify within the surrounding land uses criteria that the site has bad neighbours with potential for mitigation. **This is factually incorrect.** The site is situated to the north and west by woodland, to the south by the River Don and to the East by the existing executive Millstones development which is comprised of 16 dwellings. There are no bad neighbours.

Arup identify within the suitability of location criteria that the site is within a village. **This is factually incorrect.** The site is located immediately adjacent to the existing village boundary, which sterilises the development of the site for residential uses. Perhaps Arup's misinterpretation of this criteria was reflected in the Green Belt Assessment (General Area

PEN9) where the site has not been identified as a resultant parcel despite benefitting from defensible boundaries on all sides.

Arup identify within the availability of site criteria that there is no information, but is thought likely to be in private and/or multiple ownership. **This is factually incorrect.** The Council is in receipt of a multitude of representations submitted by Yorkshire Land Limited in respect of this site and is well aware that it is in the single ownership of Yorkshire Land Limited.

Arup identify within the availability criteria that the site is potentially available. **This is factually incorrect.** The Council is well aware that the site has been promoted actively for housing development by Yorkshire Land Limited for many years and has been the subject of two separate planning applications since the year 2000. The Council is fully aware that the site is immediately available for housing development if the site is removed from the Green Belt either via a localised review of the Green Belt boundary or as a housing site allocation through the Local Plan process.

SITE ID 681 - LAND OFF SHEFFIELD ROAD, OXSPRING

Arup identify within the suitability of location criteria that the site is within a village. **This is factually incorrect.** The site is located immediately adjacent to the existing village boundary, although the site's development would complement Oxspring's historical linear pattern of development between the Trans Pennine Trail and the B6462 Sheffield Road/River Don. Furthermore, approximately half or 3.17 hectares (7.83 acres) of the proposed housing element of the site is included within the adopted Oxspring Neighbourhood Plan Boundary, which extends beyond the Oxspring Parish Boundary.

Arup identify within the availability of site criteria that there is no information, but thought likely to be in private and/or multiple ownership. **This is factually incorrect.** The Council is in receipt of a multitude of representations in respect of this site which has also been the subject of several meetings with senior Council Officers and the Council is therefore well aware that the site is in single ownership and under the single control of Yorkshire Land Limited.

Arup identify within the availability criteria that the site is potentially available. **This is factually incorrect.** The Council is well aware that the site has been promoted actively for housing development since 2013 by Yorkshire Land Limited and that the site is immediately available for this purpose if the site is removed from the Green Belt and identified as a housing allocation through the Local Plan process.

In summary, the Council commissioned Arup to provide the Council with a sound evidence based documentation in the form of the SHELAA and Barnsley Green Belt Review. However, as we have identified Arup has provided the Council with incorrect information

26 March 2018

In both documents, at least insofar as they affects our site interests, which in our professional opinion renders the documentation unreliable and by virtue unsound, unless these inaccuracies are corrected.

With reference to the Barnsley Green Belt Review, as we recorded within our letter of 20 March 2018 (Reference YLL/BMBC/2018-03.01) the Green Belt Review has incorrectly scored the General Area PEN11 (within which our Oxspring Fields site is located) which means that it actually meets the criteria to be re-assessed for resultant parcels.

The important errors which we have identified in respect of the Barnsley Green Belt Review taken together with those factual inaccuracies which are identified in the SHELAA and highlighted in the PBA representation, seriously prejudice the identification of our site interests through the housing site selection process.

It is vitally important that any evidence based document is based upon sound and factual evidence in order for it to be utilised and relied upon by a Council or Planning Inspector.

Yours sincerely

YORKSHIRE LAND Limited



Steven Green
Managing Director

Cc *Mr Joe Jenkinson* - *Head of Planning, Barnsley MBC*
 Mr Richard Gilbert - *Programme Officer, Barnsley Local Plan Examination*
 Mr Bernard Greep - *Partner, Peter Brett Associates*
 Mr Paul Butler - *Director, PB Planning*

Encs *Email from Ms Paula Tweed, Barnsley MBC Planning Policy Group Leader dated 26 March 2018*

Office

From: Tweed , Paula [PaulaTweed@barnsley.gov.uk]
Sent: 26 March 2018 11:55
To: Office
Cc: Jenkinson , Joe; PO; 'Bernard Greep'; 'Paul Butler'
Subject: RE: YORKSHIRE LAND Limited - LETTER REFERENCE YLL/BMBC/2018-03.02

Dear Mr Green,

I confirm receipt of your letter.

The issues raised in the representation on the Publication draft in 2016 were considered at the time. Our view is that the issues raised are differences of opinion rather than factual inaccuracies.

The sites are initial exclusions in the site selection process that we have set out.

Kind regards

Paula Tweed
Planning Policy Group Leader, Planning Policy
Economic Regeneration Service
Place Directorate
Barnsley Metropolitan Borough Council
P.O Box 604, Barnsley S70 9FE
Tel: 01226 772611
Mobile: 07741 168777
Fax: 01226 772199
email: paulatweed@barnsley.gov.uk

From: Office [mailto:office@yorkshireland-ltd.com]
Sent: 26 March 2018 10:53
To: Tweed , Paula
Cc: Jenkinson , Joe; PO; 'Bernard Greep'; 'Paul Butler'
Subject: YORKSHIRE LAND Limited - LETTER REFERENCE YLL/BMBC/2018-03.02

Dear Ms Tweed,

Please see the attached self explanatory letter.

Kindly confirm receipt.

Yours sincerely
YORKSHIRE LAND Limited

Samuel S. Green
Business Manager

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