

BARNSELY LOCAL PLAN EIP – MAIN MODIFICATIONS CONSULTATION

REPRESENTATIONS – YORKSHIRE LAND LIMITED

UNIQUE REPRESENTOR NUMBER: 23082

INTRODUCTION

- 1.1 We write on behalf of our client Yorkshire Land Limited (YLL) to provide their representations to the Barnsley Local Plan Main Modifications which are currently being consulted on by Barnsley Metropolitan Borough Council (BMBC).
- 1.2 As BMBC are aware YLL have submitted a substantial level of evidence to support the planning arguments they have put forward through the initial consultation and Examination in Public (EiP) stages of the Barnsley Local Plan.
- 1.3 The comments made in these representations should therefore be considered alongside YLL's representations to the Publication Draft Barnsley Local Plan (PDLP) dated August 2016 and each of their previous hearing statements submitted as part of the EiP process.
- 1.4 For issues of brevity, we will not seek to repeat comments we have previously made as part of the EiP process. However, we will refer to the submitted evidence where required. These representations therefore seek to focus on the implications of soundness associated with the proposed Main Modifications.
- 1.5 The comments made in these representations take on board the comments made by the Inspector in her letter dated 24th May 2018. However, it is our clear view that each of the Inspector's interim findings should be considered holistically, as it is clear that they should be read together and not in isolation.
- 1.6 At this stage of the examination of the Local Plan, it is our view that there remain a number of unanswered questions with regards to how the Council will respond to all of the Inspector's interim findings. Consequently, the Council now have an opportunity to respond positively and proactively to include additional allocations to ensure that the adoption of the Local Plan isn't further delayed for several months.

DELIVERABILITY OF HOUSING ALLOCATIONS & 5-YEAR HOUSING LAND SUPPLY

- 2.1 We maintain the view that the annual housing requirement should be at least 1,389 homes per annum and that the 5 year housing land supply should be calculated using the "Sedgefield" approach to dealing with backlog, along with a 20% buffer due to previous under-delivery.
- 2.2 However, more specifically in respect of the current consultation, even at the revised 5-year land supply target of 7,345 homes (identified in the Inspector's letter dated 24th May 2018) we are concerned that there are insufficient truly deliverable sites in the Council's trajectory to meet this target.
- 2.3 The revised 5-year land supply target is associated with the revised annual housing requirement of 1,134 homes per annum as identified in the Main Modifications document.
- 2.4 We have previously provided a substantial level of evidence within the PBP deliverability assessment tables, that we consider there to be deliverability issues with a number of the proposed housing allocations, including a lack of developer appetite in a number of the Borough's market areas.

- 2.5 We also previously identified concerns in respect of the manner in which proposed housing allocations had been selected, with reference made to the ARUP Green Belt Review, which we consider does not represent a sound evidence base document due to a number of errors and inaccuracies.
- 2.6 It is clear that BMBC's release of housing allocations has been focused on the desire to allocate sites that are either not currently located in the Green Belt or those sites which have been identified within a "resultant parcel" in the ARUP Green Belt Review.
- 2.7 Accordingly, we still maintain the view that: -
- There a number of the previously proposed and newly proposed allocations which are not soundly based or justified by evidence.
 - There are no mitigation measures that could be put in place to overcome deliverability concerns associated with the development of a number of the previously proposed and newly proposed allocations.
 - A number of the previously proposed and newly proposed allocations are simply not deliverable now, at any point in the plan period or beyond.
- 2.8 The Inspector and BMBC will remember that PB Planning have previously undertaken an assessment of the Deliverability of BMBC's Proposed Housing Allocations. At the Inspector's request, this work led to the preparation of a Statement of Common Ground which has been prepared between BMBC and PB Planning in respect of the Deliverability of BMBC's Proposed Housing Allocations (the SoCG).
- 2.9 Due to the lack of robust evidence provided by BMBC in response to the deliverability concerns that we previously raised, in order to ensure that the Inspector was aware of the reasoning behind why we were not able to move closer to BMBC's position, we previously prepared a SoCG "Minority Report". Within this version of the document our reasoning was provided in wording coloured "red". The wording previously provided by PB Planning also included input from Persimmon Homes.
- 2.10 Following the release of the Stage 4 Background Paper in January 2018, we undertook a Deliverability Assessment of the newly proposed allocations by BMBC and also updated the SoCG Minority Report utilising the evidence that BMBC provided within their amended Housing Trajectory.
- 2.11 Our updated SoCG Minority Report identified that a substantial difference still exists between BMBC's position and that of PB Planning. Overall, the current difference between both parties across all of the proposed housing land allocations is **2,289 homes**.
- 2.12 The updated assessment process corroborated our original concerns associated with the deliverability of a large proportion of the proposed housing allocations because: -
- Too many homes are proposed to be delivered in areas of recognised low housing demand and weak and at times failing housing markets, resulting in serious viability implications.
 - There are a number of proposed allocations located adjacent to each other which should be identified as one large urban extension site in developer delivery terms i.e. when considered holistically no more than 120 homes per annum will be delivered from the sites.
 - No robust evidence has been provided by BMBC which demonstrates the ability to overcome the physical and technical constraints associated with the delivery of several proposed housing allocations identified within BMBC's own evidence base documents.

- 2.13 This process provided further weight to PB Planning's view that additional *deliverable* housing land allocations are needed to ensure the delivery of the Borough's objectively assessed housing needs.
- 2.14 Unfortunately, it seems that the evidence we have presented has not been attached the level of weight that we believe it should and accordingly only a handful of changes have been made to the proposed housing land allocations within the Main Modifications consultation document.
- 2.15 Accordingly, whilst we fully maintain the arguments we have put forward to the Inspector and BMBC previously, we considered it prudent to undertake a further assessment of BMBC's proposed housing allocations from a different angle. This being on the basis that all of the proposed housing allocations and existing residential commitments will come forward for development within the plan period.
- 2.16 We have therefore undertaken an assessment of BMBC's proposed housing land trajectory presented in document Ref. MC9, to identify whether the identified housing site allocations and committed supply can deliver **7,345 homes** within the first 5 years following the adoption of the Local Plan (as required by the Inspector) and maintain a rolling 5-year supply of deliverable housing sites throughout the Local Plan period. Our version of the housing trajectory is enclosed in support of this representation.
- 2.17 The methodology used for our assessment included the following aspects: -
- The presumption that all of the proposed housing allocations and extant planning permissions included in BMBC's trajectory are deliverable/developable and will come forward for development within the Local Plan period.
 - The use of what we consider to be an optimistic lead in time of 1 year in general for sites that have not commenced development.
 - From evidence collated over the Local Plan process we have identified what we consider to be appropriate lead in times for sites where a lead in time of 1+ years would be appropriate.
 - We have used an annual delivery rate of 35 homes per annum for single selling outlet sites. Where a site is sufficient in size to support more than one selling outlet we have used an annual delivery rate of 30 homes per annum for each selling outlet.
 - We have used an annual delivery rate of 40 homes per annum for apartment schemes.
 - We have reviewed extant planning permissions and removed those which have lapsed, or which are due to lapse before BMBC identified homes being delivered from them.
 - Where there looks to have been some double counting taking place between sites with permission and proposed housing allocations, the housing delivery from these sites has been amalgamated.
 - We have reviewed BMBC's proposed completion rates on a number of sites and discussed these with the site's developers.
 - We have consulted with BMBC in respect of the proposed number of homes to be delivered from smaller sites.
 - The results of our assessment have been reviewed and corroborated by national housing developers and other planning consultants.

- We have divided the proposed number of homes from Windfall Sites & Village Windfall Sites over the 15 year period from 2018, which equates to 51 homes per annum.
- All of the proposed changes to the delivery numbers within the trajectory are identified in red. Where we consider that planning permissions have lapsed these sites are presented in red boxes. Sites where double counting looks to have taken place are presented in orange boxes. Sites where we understand apartments will be delivered are identified in a blue box.

2.18 The results of the assessment of BMBC's trajectory are identified in the table below: -

BMBC Total Homes from All Sites within Plan Period	21,722
PBP Total Homes from All Sites within Plan Period	19,380
Surplus/Deficit – PBP vs BMBC	-2,392

Local Plan Inspector Requirement – First 5 Monitoring Years Post Adoption	7,345
PBP Total Homes from All Sites – First 5 Monitoring Years Post Adoption	6,741
Surplus/Deficit – PBP vs BMBC	-594

- 2.19 Therefore, even if we accept that all of the sites contained within BMBC's housing trajectory are deliverable/developable within the Local Plan period, there is still a need to release additional housing allocations in order to meet the Inspector's revised initial 5-year housing target of 7,345 homes. The evidence also identifies the need to release more housing land allocations to ensure that the identified housing requirements of the Borough are met throughout the entire plan period.
- 2.20 It is important to state here again our view that the "Sedgefield" approach to delivering housing under-supply should be used in respect of the Barnsley Local Plan and the 5-year land supply calculation. The focus on housing delivery often turns to a quantitative assessment, which loses sight of the fact that each number relates to a home for a person, couple or family. With this in mind the right thing to do is to deliver the under-supply of homes to meet established market and affordable housing needs as quickly as possible. Which is what the "Sedgefield" approach seeks to do.
- 2.21 Utilising the "Sedgefield" approach would require BMBC to deliver 8,425 homes within the first 5 years of the Local Plan. From the results of our assessment of BMBC's latest housing trajectory, this would equate to a **shortfall of 1,684 homes** against this target.
- 2.22 Furthermore, we are also of the view that BMBC should allocate housing land to make up the identified shortfall of homes that will result from the Inspector's rejection of a number of proposed allocations in the Villages and Urban Barnsley. With regard to the Villages, we will discuss the implication associated with this decision in the next section of these representations.
- 2.23 However, with regards to sites located in Urban Barnsley, the removal of the proposed allocation Ref. EC1 Land North of Staincross Common as a housing allocation for 669 homes and the allocation of site Ref. UB16 Land at Bleachcroft Way, Stairfoot for 230 homes provides a **deficit of 439** homes against those which BMBC considered were needed in January of this year.
- 2.24 We therefore maintain our stance here that if BMBC considered there to be exceptional circumstances to release an additional allocation for 669 homes in Urban Barnsley, to meet identified housing needs, as recently as January of this year, then these exceptional circumstances still exist now. Accordingly, we believe that this shortfall in housing delivery should be re-allocated to deliverable sites.
- 2.25 When each of the above factors are considered together, there is unequivocal evidence that the amount of new homes being proposed by BMBC within their previously proposed and newly proposed housing allocations remains inadequate.

- 2.26 Additional truly deliverable residential development sites therefore need to be allocated prior to the adoption of the Local Plan in order to ensure that the housing needs of the Borough can be delivered within the first five years of the Local Plan and throughout the entire Local Plan period.
- 2.27 It is crucial that development is directed to areas where Developers are willing to invest. For developers to be willing to invest in an area they need to be confident that there is an established housing need, that the market location is strong enough and that any development will be financially viable. Which will require the Local Plan to be amended to buck BMBC's historic trend of distributing an insufficient amount of homes to the Borough's stronger housing market areas where there is an established developer appetite in Barnsley. Which includes the need to identify *deliverable* land allocations within the Borough's Western Villages.
- 2.28 In this respect we maintain our position that the proposed location of growth and distribution of new homes identified in Policy LG2 and Policy H2 does not take into consideration BMBC's own evidence base with regard to the adopted Economic Strategy, Housing Strategy and the Strategic Housing Market Assessment (SHMA).
- 2.29 Accordingly, a significant proportion of the proposed housing sites will not deliver the type of housing which has been assessed to be needed in the Borough as too many homes are being provided in areas of market failure and weaker housing demand. The objectives of BMBC's current housing and economic strategies have been outlined in our previous representations and hearing statements and will not be repeated here for brevity.
- 2.30 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 housing needs of the Borough would start to be met. This would also positively increase the delivery of much needed affordable homes in the Borough.
- 2.31 BMBC's housing and economic strategies provide evidence to justify YLL's desire for additional homes to be delivered in the Borough's stronger market locations. BMBC should therefore ensure that this evidence is utilised in the selection of the additional *deliverable* housing sites needed to meet the Borough's increased OAN target.
- 2.32 Paragraph 4.20 of the SHMA addendum identifies "*developer appetite for delivery*" as a reason for previous under-delivery and recommends that the OAHN is adjusted accordingly. However, the PDLP continues to mirror the historic trend of distributing too many homes to areas of market failure where there is limited developer interest. ***If you do what you have always done, you will get what you have always got.*** Developer appetite is strong in certain areas of Barnsley, BMBC simply need to increase the amount of new homes being distributed to the Borough's more attractive and stronger housing market areas. A strategy that would reflect and align with BMBC's own economic and housing strategies.
- 2.33 YLL have previously made reference within their Main Matter 18 Hearing Statement (in Paragraph 18.1) to an article which featured in the Barnsley Chronicle on 24 June 2016, in which BMBC's Service Director for Culture, Housing and Regeneration said that there was evidence that "*the right homes were needed in the right location, as there was a demand for large family homes and high-value executive properties*" and that "*30 per cent of residents were looking outside the Borough to meet their housing needs....a leak that must be stopped*". The article presents further evidence that BMBC acknowledge that housing delivery in the Borough has previously been constrained by Council policies associated with the distribution of housing development.
- 2.34 We believe the evidence presented above provides justification for the allocation of YLL's current proposed housing sites at Huntingley Lane, Worsbrough, Oxspring Fields, Oxspring and

Millstones, Oxspring. All of which have been through the housebuilder assessment process and have active developer interest.

- 2.35 Furthermore, each of the YLL's proposed development sites have been identified as *deliverable* residential development sites within BMBC's SHLAA evidence base and each of them have national housebuilders queuing up to devote millions of pounds worth of construction investment to the Borough. Yet three of YLL's proposed development sites have been rejected by BMBC. A position which we believe to be unjustified when you consider the significant number of proposed housing allocations that BMBC's own evidence have identified as having clear deliverability constraints.
- 2.36 Evidence to justify the deliverability of each of YLL's currently unallocated housing sites has been presented to BMBC and the Inspector previously. We therefore request that this evidence is reviewed once more as part of the current consultation on Main Modifications. Within Section 3 of these representations we discuss how errors and inaccuracies associated with the ARUP Green Belt Review are the reason why YLL's sites have not been assessed correctly through the whole of the Local Plan process. Errors and inaccuracies that have still not been rectified appropriately.
- 2.37 Finally, we wrote to BMBC on the 11th July to inform them that YLL had requested a further opinion from Sasha White QC with regards to their outstanding concerns associated with the Local Plan. Sasha White QC's opinion is enclosed with these representations. For the avoidance of any doubt, he has considered each of the Inspector's interim findings holistically in the preparation of his opinion, as it is clear that they should be read together and not in isolation.
- 2.38 The key conclusions reached in the opinion associated with the deliverability of housing land allocations and the five year land supply are as follows: -
- The Inspector has rightly invited comments on the omission of sites as part of the consultation on main modifications. The clear gap created means that the current solution offered by the Council to address the Inspector's interim findings will not at present be sufficient (Para 8)
 - To ensure that the Barnsley Local Plan is sound and the significant reduction in housing allocations and safeguarded land is remedied, in our view it is necessary for the Council and the Inspector to actively identify substitute sites. Otherwise, the Inspector's initial concerns about soundness will go unaddressed (Para 9)
 - Throughout the examination process, Yorkshire Land have proposed potential sites at Oxspring Fields and Hunningley Lane which would address this issue and have also criticised a number of other housing allocations (Para 10)
 - Without prejudice to other concerns raised by Yorkshire Land regarding (1) the sufficiency of the housing requirement, (2) the sufficiency of the allocated sites to meet that requirement, and (3) inadequacies in the assessment and selection of sites for development (all of which may be separate grounds of challenge if not properly addressed), it seems to us that the present predicament can be readily resolved by actively considering alternative sites proposed by Yorkshire Land (Para 10)
 - This is a convenient and available solution to the problem, and will have the double benefit of mitigating the serious errors Yorkshire Land allege to have occurred in ARUP's Green Belt review and the site selection process (Para 11)
 - A solution which includes the Hunningley Lane, Worsbrough Dale site which is deliverable, has developer interest and which was also included in a Green Belt parcel which was incorrectly scored within the Arup Green Belt Review (Para 11)

- There is still a full opportunity for a constructive approach to be taken to addressing the loss of sites. If this opportunity is not taken, and the BLP is adopted without filling the gap left by the above sites, then the Barnsley Local Plan will be at serious risk of a challenge under section 113 of the PCPA (Para 14)
 - We suggest that the Inspector and the Council make it clear that it is either inviting written representations, or an additional hearing, to consider alternative sites to replace those either withdrawn by the Council or rejected by the Inspector at Stage 4 (Para 15)
 - If this approach is not taken, then it is not clear how the Inspector can reasonably conclude that her interim concerns about the approach to housing in villages have been addressed (Para 16)
- 2.39 When all of the above points are considered together, we believe there is an unequivocal justification for the Council to identify our client's sites at Hunningley Lane, Oxspring Fields and Millstones, Oxspring as housing allocations within the next stages of the Local Plan. Especially when you take into account the site specific characteristics and the multitude of benefits that these sites can deliver to the Borough.
- 2.40 Our clients have provided a substantial amount of evidence to justify the deliverability of each of their sites. As a result, there can be no question marks over whether each of their sites can contribute to the delivery of the District's identified housing needs within the first 5-years of the Local Plan.
- 2.41 As identified by Sasha White QC, the allocation of our client's sites provide an appropriate solution to resolving current identified areas of concern associated with the soundness of the emerging Local Plan.

A POSITIVE APPROACH TO DEVELOPMENT IN VILLAGES

- 3.1 Unless the withdrawn/rejected allocations in the Villages are replaced we believe there is a robust case to argue that the Council's approach to development in the Villages does not respond to the Inspector's request, as set out in the Interim Findings Report, for the Local Plan to be more positive in respect of development in the Borough's Villages.
- 3.2 The case we put forward in the Stage 4 Sessions included the following points, which still very much stand: -
- The assessment of potential site allocations in the Villages was undertaken retrospectively to ensure that the selection of allocations was formulated around sites that were either not located in the Green Belt or which were identified within a resultant parcel within the ARUP Green Belt Review.
 - The need to meet evidenced housing needs in the Council's economic and housing strategies with regards to delivering a step-change in the type and location of housing, including the delivery of up to 2,500 executive family homes.
 - The need to meet the evidenced housing needs in the Council's SHMA which identifies an annual affordable housing need of 31 homes in the Rural West (Villages). Which over an 18 year plan period equates to 558 affordable homes alone. It is well evidenced that the only way to deliver these homes is through the release of open market housing. Due to there being no rural exception site delivery in the Borough in recent times.

- If development in the Village was left to current policy wording, then the only opportunities to deliver new homes in the Villages would be through small-scale windfall sites or rural exception sites. Mechanisms that have historically been available and which have failed to meet identified housing needs on account of their lack of availability, the size of sites being below the affordable housing policy thresholds, the fact that a large majority of the sites will be located in the Green Belt and there being no desire/evidence of developers/landowners seeking to bring rural exception sites forward.
 - The Council's sustainability assessment of Villages has been retrospective and negative. Both the scoring and criteria need to be updated to reflect the current sustainability credentials of each of the assessed Villages, alongside the need to reflect more positive planning guidance provided in the NPPF in respect of the sustainable growth of Villages. A more robust assessment would have identified the potential for the Borough's Villages to deliver more homes than previously envisaged by the Council.
 - The Council believed there to be exceptional circumstances (including housing need) to release a number of proposed allocations in the Villages, five of which (two in Oxspring, one in Silkstone Common and two in Cawthorne) have now been withdrawn by the Council and the Inspector. If exceptional circumstances existed to justify the release of these sites only 6 months ago, then the same exceptional circumstances are still present and thus these sites need to be replaced.
 - Particular reference is drawn to BMBC's withdrawal of Sites Ref. EC6 and EC7 in Oxspring. The Independent URS Housing Needs Report for the Village commissioned by Planning Aid England on behalf of the Parish Council identifies a housing need of 68 homes in the previous plan period (i.e. to 2026), which can be extrapolated to 96 homes over the current local plan period. When considered alongside the Village's sustainability credentials, which have not changed in the 6-month period since the identification of proposed allocations in the Village in January 2018, it is clear to us that these two withdrawn sites must be replaced with a deliverable site allocation. Otherwise the evidenced housing needs for the Village will not be met. The same could also be said for Silkstone Common on account of the sustainability credentials of the Village, which includes amongst other facilities a Train Station and a Primary School.
 - Finally, the allocation of replacement/new truly deliverable allocations in the Villages will resolve a number of existing concerns as they can deliver affordable homes; provide the optimal location to deliver executive detached family homes in the Borough's better housing market areas; deliver a number of socio-economic benefits allowing the sustainable growth of each Village; and as they would be fully delivered within the first 5 years of the Local Plan making a substantially positive contribution to the Council's housing trajectory.
- 3.3 When considered holistically, we believe that not only do the "withdrawn" sites need to be replaced with deliverable allocations, but there is strong evidence that additional allocations should be identified in order to meet the objectively assessed housing needs of the Borough's Villages. Unless further action is taken to rectify the current situation, then we do not see how the Local Plan can align to the Inspector's direction for the Council to take a more positive approach to development in the Villages as required by Paragraph 55 of the old Framework (though still current in respect of the Local Plan).
- 3.4 Our review of BMBC's latest housing trajectory for the Local Plan (Doc Ref. MC9) has identified the inclusion of a 200 home Village Windfall Allowance. A figure that can be broken down to 13 homes per annum over the remaining 15 years of the plan period.

- 3.5 For the reasons identified above, not only do we believe this figure will not be delivered on account of the lack of availability of windfall sites in the Borough and on account of Green Belt constraints, but it is also clear that this level of housing will not safeguard or enhance the vitality of Villages (as required by national planning guidance) nor will it satisfy the affordable housing needs identified in the Strategic Housing Market Assessment (SHMA).
- 3.6 BMBC cannot and should not simply seek to increase the delivery of new homes in Villages from windfall sites. Such an approach would potentially reduce the opportunities for socio-economic benefits that larger housing sites can deliver, specifically in respect of the delivery of affordable housing.
- 3.7 The reliance upon the delivery of 200 homes from Village Windfall Sites would result in the loss of up to 60 affordable homes on account of windfall sites usually delivering a lower quantum of homes than BMBC's 15 dwelling threshold requiring the delivery of affordable housing. There is also no evidence to back up the delivery of new affordable homes through other mechanisms, including rural exception sites. Which, if anything, would lead to a piecemeal release of land from the Green Belt. Which very few people would support.
- 3.8 Robust evidence has previously been presented to the Inspector to justify the release of additional housing sites in the Villages on account of the need to meet the requirements of Paragraph 55 of the old NPPF. BMBC's Village sustainability assessments are not comprehensive or positively prepared, with the majority of Villages having the capacity for a greater amount of growth than currently being identified by BMBC.
- 3.9 Furthermore, the affordable housing need in the Rural West Villages currently equates to 31 homes per annum and the Villages have been identified in BMBC's own evidence as the most appropriate locations in market terms to meet the identified need to deliver 2,500 executive family homes, delivery of which will also act as the catalyst for the provision of affordable homes.
- 3.10 In very simple mathematical terms, there is an evidenced need for 31 affordable homes per annum in the Rural West Villages. BMBC's approach to delivery in the Villages now seeks to deliver approximately 13 homes per annum over the remaining plan period. A shortfall of 18 affordable homes per annum. However, in reality, there will be a shortfall of 31 affordable homes per annum due to BMBC's approach to the delivery of new homes in the Villages, as a result of both a lack of suitable sites which are greater than 15 homes in size (and thus are required to deliver affordable homes) and a lack of suitable sites full stop.
- 3.11 With regards to the withdrawn sites, the table below identifies the total number of homes that we consider need to be replaced in the Rural West Villages on account of the reasons presented above and in our previously submitted hearing statements: -

Site Reference	Allocation	Number of Homes
EC6 - Oxspring (Sheffield Road)	Housing	60
EC7 - Oxspring (Sheffield Road)	Safeguarded Land	86
EC9 - Cawthorne (Darton Road)	Housing	86
CA2a - Cawthorne (Stanhope Avenue)	Safeguarded Land	36
EC11 - Silkstone Common (Moor End Ln)	Housing	50
Total Number of Homes		318

- 3.12 Including Safeguarded Land allocations, the number of affordable homes lost through the removal of the above sites totals **95 homes**. The lost number of homes from the withdrawn housing allocations identified in the table above equates to **196 homes**, which would have delivered **59 affordable homes**.

- 3.13 Instead of securing the delivery of homes to meet identified market and affordable homes, the Council have chosen to jeopardise the ability of first time buyers, couples and families to find a home in Oxspring, Cawthorne and Silkstone Common through replacing the withdrawn sites with a 200 home Village Windfall Allowance. That will more than likely never be delivered.
- 3.14 This cannot be considered an appropriate strategy for the delivery of much needed homes in the Borough's Villages as evidenced within BMBC's own housing needs assessments.
- 3.15 For the avoidance of any doubt, it is our view that replacing the withdrawn housing allocations listed above would be the minimum requirement.
- 3.16 We previously identified flaws associated with BMBC's village sustainability assessment. We argued that the purpose of the assessment should be to determine how many homes should be allocated to each Village, not whether the Villages receive allocations at all. Otherwise, how can each Village sustainably grow in order to ensure their long-term vitality.
- 3.17 Furthermore, we previously presented six areas of evidence that exist to justify the need for BMBC to amend the current approach they have taken to the identification of housing allocations within the Borough's Villages: -
 - a. The UDP's identification of Selected Villages.
 - b. BMBC's Economic and Housing Strategies.
 - c. The need to deliver affordable housing in the Borough's least affordable locations.
 - d. PBP's & BMBC's Village Sustainability assessments.
 - e. The need for BMBC to deliver more homes than currently proposed within the Borough as a whole and consequently within the Villages.
 - f. BMBC's assessment has been retrospectively undertaken to favour Villages which contain site opportunities located on non-Green Belt land or within an ARUP Green Belt Review "resultant parcel".
- 3.18 When each of the above factors are considered together, there is unequivocal evidence that the amount of new homes being proposed by BMBC to the Villages as a whole remains inadequate.
- 3.19 Consequently, BMBC need to release further land allocations in the Villages in order to respond more positively to the Inspector's recommendation to do so.
- 3.20 With regards to Oxspring, there is a further piece of evidence that needs to be considered in respect of retaining the existing level of homes that BMBC propose to deliver in the settlement. This is the Independent URS Housing Needs Report for Oxspring.
- 3.21 In 2014 a Housing Needs & Capacity Assessment was prepared on behalf of Oxspring Parish Council by consultants 'URS'. The document concludes by identifying the need to deliver between 53 and 68 new homes in the Village during the period 2008 to 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 to the year 2026. As the emerging Barnsley Local Plan now seeks to identify local planning policies for the Borough up to the year 2033, seven additional years of housing need are 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.

- 3.22 In addition, the delivery of new housing allocations for Oxspring will ensure that the identified housing needs of the Village can be met. Such an approach complies with national planning policy in respect of meeting both the market and affordable housing needs required to sustain the vitality of Villages.
- 3.23 Since the submission of our Stage 4 hearing statements, further evidence has come to light in respect of the proposed allocation Ref. EC8 Land Off Roughbitchworth Lane, Oxspring.
- 3.24 We are aware that an outline planning application for the development of 13 dwellings was submitted to the Council by the landowner on 08 June 2018 (Planning Reference 2018/0746). However, this proposal falls below the threshold requiring the provision of affordable housing and would also require the demolition of all of the existing farmstead and outbuildings, resulting in a lesser net gain of dwellings. We are also advised that the Council's tree officer has raised strong objections to the loss of trees on the site, which are also home to an established rookery.
- 3.25 We have previously identified concerns associated with the delivery of the site in respect of drainage, trees, access and viability.
- 3.26 However, following a review of the site again and following discussions with our client Duchy Homes, we now believe that there are also heritage issues associated with the development of the site. Enclosed is a letter from Duchy Homes which outlines their concerns associated with the potential development of the site.
- 3.27 From a review of Historical Maps dating back to 1851, the buildings to the rear of Roughbitchworth Lodge are clearly shown dating back to this year. Whilst the building is shown as one block on the historical map, there are actually a row of cottages, as illustrated on the maps enclosed with the Duchy Homes letter. We have also previously been informed that there is still an original cast iron cooking range in situ in at least one of these cottages.
- 3.28 We are in the process of seeking comments from South Yorkshire Archaeological Service and BMBC's heritage officers in respect of the impact that this could have in respect of the site's development.
- 3.29 However, we believe there is more than sufficient evidence to question the deliverability of the site. In our Stage 4 hearing statements we identified that the site could potential deliver a maximum of 9 homes on account of access and arboricultural issues. However, Duchy Homes previously confirmed that *"considering the site constraints...together with the value of the existing home, outbuildings and paddock, we consider that BMBC would be best advised (to) not rely upon this site as a formal housing allocation"*.
- 3.30 The removal of site allocation Ref. EC8 would increase the indicative yield of lost homes from allocations in the Rural West Villages from 196 to 218 homes, including 6 affordable homes (30% affordable housing) resulting an increased total of **65 affordable homes being lost**. It would also remove the last remaining proposed allocation in Oxspring, thus meaning that there would be no prospect of the housing needs identified in the Independent URS Study being delivered.
- 3.31 On account of the evidence provided above and within our previously submitted representations as part of the BMBC Local Plan process, it is our clear view that the withdrawn allocations EC6, EC7 and Site Ref. EC8 should be replaced by truly deliverable residential development sites.
- 3.32 The allocation of replacement/new truly deliverable housing allocations in the Rural West Villages will resolve a number of existing concerns as they can: -
- Deliver affordable homes;
 - Provide the optimal location to deliver executive detached family homes in the Borough's better housing market areas;

- Deliver a number of socio-economic benefits allowing the sustainable growth of each Village; and
 - On account of their likely size and developer interest, would be fully delivered within the first 5 years of the Local Plan making a substantially positive contribution to the Council's housing trajectory.
- 3.33 When all of the above points are considered together, we believe there is an unequivocal justification for the Council to identify our client's sites at Oxspring Fields and Millstones, Oxspring as housing allocations within the next stages of the Local Plan. Especially when you take into account the site specific characteristics and the multitude of benefits that these sites can deliver to the Borough and that these sites have significant developer interest.
- 3.34 The evidence previously provided by YLL confirms that ***the Oxspring Fields site represents the most sustainable and deliverable residential development site option for the most sustainable Village in the Western Rural part of the Borough.***
- 3.35 Especially when the delivery of ***up to*** 150 new homes at the Oxspring Fields site (of which 50 (30%) would be affordable) can deliver the Village's identified housing needs up to 2033 and also viably provide other identified key aspirations and needs of the Village as set out in the Draft Oxspring Neighbourhood Plan including: -
- A £500k contribution towards the delivery of a new Sports/Community Pavilion;
 - A new Community/Country Park;
 - A new Tourism Facility;
 - New access points to the Trans Pennine Trail;
 - Riverside walks along the Rocher Valley (in the ownership of YLL);
 - Rebuilding of dry stone walls along the site's boundary;
 - Remediation of existing surface water run-off from the site which currently results in ponding on Sheffield Road; &
 - A £500k contribution towards the delivery of a Strategic Public Transport Interchange adjoining Penistone Railway Station.
- 3.36 Again, substantial evidence has also been provided to BMBC to demonstrate the deliverability of YLL's Millstones site. The development of this small site, which has no access, drainage, ecological or biodiversity constraints, would enable the delivery of high quality, executive, family housing (a type of home 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.
- 3.37 Our clients have provided a substantial amount of evidence to justify the deliverability of each of their sites. As a result, there can be no question marks over whether each of their sites can contribute to the delivery of the Borough's identified housing and employment needs within the first 5-years of the Local Plan.
- 3.38 The key conclusions reached in the opinion of Sasha White QC of relevance to the points we make in this section of our representations are as follows: -
- The Inspector has rightly invited comments on the omission of sites as part of the consultation on main modifications. The clear gap created means that the current solution offered by the Council to address the Inspector's interim findings will not at present be sufficient (Para 8)
 - To ensure that the Barnsley Local Plan is sound and the significant reduction in housing allocations and safeguarded land is remedied, in our view it is necessary for the Council and

the Inspector to actively identify substitute sites. Otherwise, the Inspector's initial concerns about soundness will go unaddressed (Para 9)

- Throughout the examination process, Yorkshire Land have proposed potential sites at Oxspring Fields and Hunningley Lane which would address this issue and have also criticised a number of other housing allocations (Para 10)
- Without prejudice to other concerns raised by Yorkshire Land regarding (1) the sufficiency of the housing requirement, (2) the sufficiency of the allocated sites to meet that requirement, and (3) inadequacies in the assessment and selection of sites for development (all of which may be separate grounds of challenge if not properly addressed), it seems to us that the present predicament can be readily resolved by actively considering alternative sites proposed by Yorkshire Land (Para 10)
- This is a convenient and available solution to the problem, and will have the double benefit of mitigating the serious errors Yorkshire Land allege to have occurred in ARUP's Green Belt review and the site selection process (Para 11)
- The need to find replacement sites is particularly acute in Oxspring, given the findings of the 2014 Housing Needs and Capacity Study for Oxspring, which was undertaken by independent consultants 'URS'. (Para 12)

[For the avoidance of any doubt the only remaining deliverable sites for residential development to meet the needs of Oxspring are of course YLL's Oxspring Fields and Millstones sites]

- There is still a full opportunity for a constructive approach to be taken to addressing the loss of sites. If this opportunity is not taken, and the BLP is adopted without filling the gap left by the above sites, then the Barnsley Local Plan will be at serious risk of a challenge under section 113 of the PCPA (Para 14)
- We suggest that the Inspector and the Council make it clear that it is either inviting written representations, or an additional hearing, to consider alternative sites to replace those either withdrawn by the Council or rejected by the Inspector at Stage 4 (Para 15)
- If this approach is not taken, then it is not clear how the Inspector can reasonably conclude that her interim concerns about the approach to housing in villages have been addressed (Para 16)

3.39 As identified by Sasha White QC, the allocation of our client's sites provides an appropriate solution to resolving current identified areas of concern associated with the soundness of the emerging Local Plan.

3.40 At this stage of the examination of the Local Plan, it is our view that there remain a number of unanswered questions with regards to how the Council will respond to all of the Inspector's interim findings. Consequently, it is our view that the Council should now respond positively and proactively to include additional allocations to ensure that the adoption of the Local Plan isn't further delayed.

RECTIFYING ERRORS & INNACURARICES WITH THE ARUP GREEN BELT REVIEW

4.1 BMBC's Main Modifications, and indeed the Inspector's letter of 24th May 2018, do not comment on the Green Belt Review anomalies that we raised at the Stage 4 Hearing Sessions. These anomalies were largely focused to the Oxspring area of the assessment. The following matters were raised: -

- Employment Allocation Ref. P2 is identified as not being in the Green Belt within the Green Belt Review, whilst being a Green Belt site. As a consequence, the site's release from the Green Belt was not assessed as part of the Green Belt Review and thus there is no evidence to justify its release from the Green Belt.
 - Yorkshire Land Limited's site at Millstones, Oxspring was identified as being part of the Urban Fabric of the Village within the Green Belt Review. As a consequence, the site's release from the Green Belt was not assessed as part of the Green Belt Review and thus there is no evidence to justify why it shouldn't be released from the Green Belt.
 - Yorkshire Land Limited's sites at Oxspring Fields and the proposed Blackmoor Business Park are both located within General Area PEN11. Evidence was provided at the Stage 4 hearing sessions to demonstrate that the General Area had been incorrectly assessed due to a number of matters, which are detailed in our previously submitted formal representations to the Local Plan and hearing statement submitted as part of the Examination in Public process. If the General Area had been assessed correctly then it would have highly likely been taken forward as a Resultant Parcel within the Green Belt Review, which on account of the approach that BMBC previously took to the allocation of sites in the Villages, would have led to the sites being allocated for development. Especially given the clear deliverability advantages when compared to the other proposed allocations in Oxspring (Site Ref. P2 & Sites EC6 & EC7) and benefits that the two sites (Blackmoor Business Park and Oxspring Fields) could deliver to the western rural area of the Borough.
 - The Hunningley Lane site was initially excluded on grounds that the larger land parcel in which it is located serves a Green Belt purpose in respect of avoiding coalescence between the Urban Area of Barnsley and the Principal Town of Wombwell. This provides further evidence of the inaccuracy of the proposed parcels within the ARUP Green Belt Review given that it has ignored the strong defensible boundary created by the existing railway line located to the east of the Hunningley Lane site. Importantly, the remaining areas of land assessed in General Area UB12 are all located outside the defensible boundaries of the site, to the east of the existing railway line and south of White Cross Lane, meaning any development of the site would thus not have an impact in respect of coalescence between these two settlement areas. Following any development of the site the distance between the eastern edge of Worsbrough Dale and Wombwell would be retained at 1.5km, as is currently the case. The development of the site could actually have a wider benefit to the Green Belt of redefining the existing urban edge through a sensitively designed scheme. When considered together the redevelopment of the site would provide a long term permanent boundary to the Barnsley Green Belt in this location.
- 4.2 YLL's previously submitted hearing statement and representations as part of the BMBC Local Plan process has provided substantial evidence to demonstrate the clear errors and inaccuracies associated with the assessment of their land interests within the ARUP Green Belt Review, particularly with regards to General Areas PEN11 and UB12.
- 4.3 BMBC's approach to the selection of housing and employment allocations is therefore currently based on the findings of a flawed Green Belt Review.
- 4.4 The result being that the Green Belt Review has not adequately identified reasonable alternatives in relation to "resultant parcels" as there are a number of truly deliverable sites which in some instances represent less than 5% of the assessed General Area and have not been considered for allocation on account of the holistic scoring of the overall General Area.

- 4.5 It is clear that BMBC's proposed housing allocations within the Villages have been made purely on the basis of either being sites not currently located within the Green Belt or sites identified within the ARUP Green Belt Review as being located within a "resultant parcel".
- 4.6 There are a number of issues associated with this approach.
- 4.7 The approach is retrospective and thus the assessments look to have been formulated so that those settlements which score highest contain potential non-Green Belt sites or sites located within a Green Belt Assessment "resultant parcel". For example, though Hoylandswaine represents a sustainable Village (proven by BMBC's previous decision to approve an application for 67 homes by David Wilson Homes), no new allocations have been identified in the Village as there are no remaining non-Green Belt sites and the ARUP Green Belt Review didn't identify any "resultant parcels".
- 4.8 A site's performance against the NPPF's Green Belt roles and purposes should be only one element of the assessment of a site's *suitability* when assessed against the old NPPF's deliverability tests as set out in Footnote 11 of Paragraph 47 of that document. Other matters such as whether a site is suitable in relation to the character of the settlement, flood risk, access, biodiversity and heritage impact should also be considered. As should whether a site is *available* and *achievable*.
- 4.9 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". However, it is clear in the evidence we provided in our previously submitted hearing statements that this assessment has not been undertaken in a sound and justified manner.
- 4.10 A specific example of this flawed assessment approach is the incorrect scoring that led to the identification of General Area resultant parcel PEN9a and the proposed allocation of sites EC6 and EC7. Proposed site allocations EC6 and EC7 were withdrawn following objections from Historic England, however, a number of other developers identified constraints in respect of steep topography, drainage, flood risk (areas adjacent to the river) and access. If ARUP's assessment had been undertaken in a sound and robust manner, then resultant parcel PEN9a would never have been identified in the first place.
- 4.11 Finally, those sites which are not currently located in the Green Belt would or should have come forward for development by now if they were truly deliverable in respect of the tests as set out in Footnote 11 of Paragraph 47 of the old NPPF, given BMBC's inability to demonstrate a deliverable 5-year supply of housing land for a number of years. The proposed allocation of such sites should therefore be very carefully considered.
- 4.12 The result of the factors described above is that a significant proportion of the newly proposed allocations within the Borough's Villages are simply not deliverable.
- 4.13 As no response to the identified concerns were forthcoming in the Inspector's letter in respect of the identified anomalies of the ARUP Green Belt Review, we had expected that these issues would have been looked into further and rectified as part of the Main Modifications process. However, it is clear that this work has not been undertaken and therefore the concerns previously raised still stand.
- 4.14 A position that is corroborated within the opinion of Sasha White QC, where he states that: -

- Without prejudice to other concerns raised by Yorkshire Land regarding (1) the sufficiency of the housing requirement, (2) the sufficiency of the allocated sites to meet that requirement, and (3) inadequacies in the assessment and selection of sites for development (all of which may be separate grounds of challenge if not properly addressed), it seems to us that the present predicament can be readily resolved by actively considering alternative sites proposed by Yorkshire Land (Para 10)
 - This is a convenient and available solution to the problem, and will have the double benefit of mitigating the serious errors Yorkshire Land allege to have occurred in ARUP's Green Belt review and the site selection process (Para 11)
 - The Blackmoor Business Park is a deliverable brownfield site that would meet the employment needs of Penistone (this is particularly important given that Site P2 is recognised as not being developable until the latter stages of the plan). It would also help the vitality of a number of villages, which again is something to which weight should be given in light of the Council's decision not to identify any rural business parks (Para 13)
 - If the Blackmoor Business Park came forward for employment development, it would appear to render the Oxspring Fields site an infill site. This would only serve to strengthen the case for the release of the Oxspring Fields site as the only deliverable site for the village following the removal of the previously proposed allocations (Para 13)
- 4.15 The convenient and available solution to the problem that has previously been presented by YLL and corroborated by Sasha White QC has not been taken by BMBC. The result being that it is now left to the Inspector to make a decision based on all of the available evidence submitted over the BMBC EiP process. As the identified anomalies associated with the ARUP Green Belt Review are "crystal clear" then we would fully expect that the Inspector will seek to address this matter prior to or within her final report.

CONCLUSION

- 5.1 These representations have sought to focus on our client's concerns associated with meeting the amended 5-year housing land supply target, the need to take a more proactive approach to development within the Villages as previously requested by the Inspector and the need to correct anomalies with the ARUP Green Belt Review.
- 5.2 The evidence provided above identifies that the Main Modifications document fails to respond appropriately to each of these matters.
- 5.3 With regards to housing delivery, even if we accept that all of the sites contained within BMBC's housing trajectory are deliverable/developable within the Local Plan period, our detailed analysis of the Council's housing trajectory has shown that there is still a need to release additional housing allocations in order to meet the Inspector's revised initial 5-year housing target of **7,345 homes**. The evidence also identifies the need to release more housing land allocations to ensure that the identified housing requirements of the Borough are met throughout the entire plan period.
- 5.4 The amount of new homes being proposed by BMBC within their previously proposed and newly proposed housing allocation remains inadequate. Accordingly, additional truly deliverable residential development sites therefore need to be allocated prior to the adoption of the Local Plan in order to ensure that the housing needs of the Borough can be delivered within the first five years of the Local Plan and throughout the entire Local Plan period.
- 5.5 Unless the proposed allocations in the Villages are replaced we believe there is a robust case to argue that the Council's approach to development in the Villages does not respond to the

Inspector's request, as set out in the Interim Findings Report, for the Local Plan to be more positive in respect of development in the Borough's Villages.

- 5.6 BMBC cannot and should not simply seek to increase the delivery of new homes in Villages from windfall sites. Such an approach would potentially reduce the opportunities for socio-economic benefits that larger housing sites can deliver, specifically in respect of the delivery of affordable housing.
- 5.7 The reliance of 200 homes from Village Windfall Sites would result in the loss of up to 60 affordable homes on account of windfall sites usually delivering a lower quantum of homes than BMBC's 15 dwelling threshold requiring the delivery of affordable housing.
- 5.8 There is an evidenced need for 31 affordable homes per annum in the Rural West Villages. BMBC's approach to delivery in the Villages now seeks to deliver approximately 13 homes per annum over the remaining plan period (200 divided by 15). A shortfall of 18 affordable homes per annum.
- 5.9 However, in reality, there will be a shortfall of 31 affordable homes per annum due to BMBC's approach to the delivery of new homes in the Villages, as a result of both a lack of suitable sites which are greater than 15 homes in size (and thus are required to deliver affordable homes) and a lack of suitable sites full stop.
- 5.10 Instead of securing the delivery of homes to meet identified market and affordable homes, the Council have chosen to jeopardise the ability of first time buyers, couples and families to find a home in Oxspring, Cawthorne and Silkstone Common through replacing the withdrawn sites with a 200 home Village Windfall Allowance. That will more than likely never be delivered.
- 5.11 This cannot be considered an appropriate strategy for the delivery of much needed homes in the Borough's Villages as evidenced within BMBC's own housing needs assessments.
- 5.12 Replacing the withdrawn housing allocations from the Rural West Villages is therefore a minimum requirement. However, evidence has been presented within these and previous representations to demonstrate that additional housing allocations (above 200 homes in total) should be delivered in the Rural West Villages in order to maintain the vitality of villages through their sustainable growth.
- 5.13 YLL's previously submitted hearing statements and representations as part of the BMBC Local Plan process have provided substantial evidence to demonstrate the clear errors and inaccuracies associated with the assessment of their land interests within the ARUP Green Belt Review, particularly with regards to General Areas PEN11 and UB12.
- 5.14 As no response to the identified concerns were forthcoming in the Inspector's letter in respect of the identified anomalies of the ARUP Green Belt Review, we had expected that these issues would have been looked into further and rectified as part of the Main Modifications process. However, it is clear that this work has not been undertaken and therefore the concerns previously raised still stand.
- 5.15 BMBC's approach to the selection of housing and employment allocations is therefore currently based on the findings of a flawed Green Belt Review.
- 5.16 When all of the above points are considered together, we believe there is an unequivocal justification for the Council to identify our client's sites at Hunningley Lane, Oxspring Fields and Millstones, Oxspring as housing allocations within the next stages of the Local Plan. Especially when you take into account the site specific characteristics and the multitude of benefits that these sites can deliver to the Borough and that these sites have significant developer interest.

- 5.17 Our clients have provided a substantial amount of evidence to justify the deliverability of each of their sites. As a result, there can be no question marks over whether each of their sites can contribute to the delivery of the District's identified housing and employment needs within the first 5-years of the Local Plan.
- 5.18 As identified by Sasha White QC, the allocation of our client's sites provide an appropriate solution to resolving the current identified areas of concern associated with the soundness of the emerging Local Plan.
- 5.19 There remain a number of unanswered questions with regards to how the Council will respond to all of the Inspector's interim findings and the concerns which we have raised above. Consequently, the Council now have an opportunity to respond positively and proactively to include additional allocations to ensure that the adoption of the Local Plan isn't further delayed for several months.

PBP Deliverability Assessment of BMBC Housing Trajectory - Main Modifications Stage - August 2018

Local Plan Allocations																														
Site Reference	Site Address	Settlement	Gross Site	Net site area	Indicative	Plan Period	14/15	15/16	16/17	17/18	18/1	19/20	20/21	21/22	22/23	23/2	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33					
AC2	Land south of Darton Lane, Staincross	Urban Barnsley	4.4	2.16	86	86	0	0	0	0	0	0	35	35	16	0	0	0	0	0	0	0	0	0	0	0				
AC3	Former William Freeman site, Wakefield Road	Urban Barnsley	3.5	2.56	102	102	0	0	0	0	0	0	35	35	32	0	0	0	0	0	0	0	0	0	0	0				
AC6	Longcar PDC	Urban Barnsley	0.9		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
H83	Land to the east of Woolley Colliery Road	Urban Barnsley	3.7	2.96	118	118	0	0	0	0	0	0	0	0	0	0	0	35	35	35	13	0	0	0	0	0				
H13	Site east of Burton Road, Monk Bretton	Urban Barnsley	9.1	5.46	218	218	0	0	0	0	0	0	35	35	35	35	35	35	8	0	0	0	0	0	0	0				
H14	Site west of Wakefield Road	Urban Barnsley	13.8	3.38	135	135	0	0	0	0	0	0	35	35	35	30	0	0	0	0	0	0	0	0	0	0				
H18	Site east of Smithy Wood Lane	Urban Barnsley	4.5	3.6	144	144	0	0	0	0	0	0	0	0	0	0	0	35	35	35	35	4	0	0	0	0				
H20	Site south of Bloomhouse Lane, Darton	Urban Barnsley	8.7	6.72	214	214	0	0	0	0	0	20	35	35	35	35	35	29	0	0	0	0	0	0	0	0				
H42	Site west of Wakefield Road	Urban Barnsley	7.7	6.16	250	250	0	0	0	0	0	0	35	35	35	35	35	35	35	5	0	0	0	0	0	0				
290	Land south west of Priory Road	Urban Barnsley	0.5	0.45	18	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18				
H31	Site to the west of Smithy Wood Lane	Urban Barnsley	1.1		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
H33	Site to the east of St Helens Avenue	Urban Barnsley	3	2.4	96	96	0	0	0	0	0	0	0	16	35	35	10	0	0	0	0	0	0	0	0	0				
H48	Site of former Kingstone School	Urban Barnsley	6.9		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
H53	Site north of Wilthorpe Road	Urban Barnsley	13.1		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
H54	Land off High Street, Dodworth	Urban Barnsley	0.5		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
H57	Monk Bretton Reservoir and land to the east of	Urban Barnsley	6.65	2.04	79	79	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
H59	Land at St Michaels Avenue	Urban Barnsley	1.2	0.96	38	38	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	18	0	0	0	0				
H29	Land at Garden House Farm	Urban Barnsley	2.2	1.76	70	70	0	0	0	0	0	0	35	35	0	0	0	0	0	0	0	0	0	0	0	0				
H62	Land off Highstone Lane, Worsbrough Common	Urban Barnsley	0.5	0.45	18	18	0	0	0	0	0	0	18	0	0	0	0	0	0	0	0	0	0	0	0	0				
H19	Site north of Keresforth Road	Urban Barnsley	12.1	6.16	175	175	0	0	0	0	0	0	15	35	35	35	35	20	0	0	0	0	0	0	0	0				
503	Land off Leighton Close	Urban Barnsley	0.5	0.45	18	18	0	0	0	0	0	0	0	0	18	0	0	0	0	0	0	0	0	0	0	0				
AC16	Land off Broadway, Barnsley	Urban Barnsley	9	4.6	150	150	0	0	0	0	0	0	0	35	35	35	35	10	0	0	0	0	0	0	0	0				
H73	Land between Mount Vernon Road and Upper	Urban Barnsley	11.8	1.04	42	42	0	0	0	0	0	0	0	35	7	0	0	0	0	0	0	0	0	0	0	0				
AC1	Former Woolley Colliery	Urban Barnsley	4.1	2.24	90	90	0	0	0	0	0	0	0	0	0	0	0	35	35	20	0	0	0	0	0	0				
UB6	Zenith Business Park extension	Urban Barnsley	5.7	4.56	143	143	0	0	0	0	0	0	0	35	35	35	35	3	0	0	0	0	0	0	0	0				
H5	Site South of Coniston Avenue Darton	Urban Barnsley	1.26	1.008	40	40	0	0	0	0	0	0	0	0	0	35	5	0	0	0	0	0	0	0	0	0				
H28	Former Priory School site/Land off Rotherham	Urban Barnsley	10.3	1.28	51	51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
H24	Site north of Carlton Road	Urban Barnsley	2.7	2.16	86	86	0	0	0	0	0	0	0	0	0	0	0	0	0	6	35	35	10	0	0	0				
AC12 - Delivery with AC11	Land off Shaw Lane Carlton	Urban Barnsley	117.3	42.08	1683	1120	0	0	0	0	0	0	0	60	90	90	90	90	90	90	90	90	90	90	90	120				
MU1	South of Barugh Green Road	Urban Barnsley	123.3		1700	1487	0	0	0	0	0	0	0	60	120	120	120	120	120	120	120	120	120	120	120	120				
AC11 - Delivery with AC12	Land between Fish Dam Lane and Carlton Road	Urban Barnsley	11.7	7.36	294	294	0	0	0	0	0	0	0	0	30	30	30	30	30	30	30	30	30	24	0	0				
AC10	Land South of West Street, Worsbrough	Urban Barnsley	1.5	1.2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
460	Land off Mount Vernon Road	Urban Barnsley	2.7	1.84	74	74	0	0	0	0	0	0	0	0	35	35	4	0	0	0	0	0	0	0	0	0				
UB16	Land at Bleachcroft Way, Stairfoot	Urban Barnsley	9.4	7.3	230	230	0	0	0	0	0	0	20	35	35	35	35	35	35	0	0	0	0	0	0	0				
H6	Greenside Lane	Hoyland	0.6	0.54	22	22	0	0	0	0	0	0	22	0	0	0	0	0	0	0	0	0	0	0	0	0				
H8	Land off Meadowfield Drive	Hoyland	2.3	1.84	74	74	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	35	35					
H16	Site north of Hoyland Road	Hoyland	20.7	15.38	598	598	0	0	0	0	0	0	30	60	60	60	60	60	60	60	60	60	28	0	0	0				
H45	Springwood farm and adjoining land	Hoyland	23.8	15	600	600	0	0	0	0	0	0	0	0	0	0	30	60	60	60	60	60	60	60	60	60				
877	Land at Sheffield Road	Hoyland	0.8	0.41	17	17	0	0	0	0	0	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0				
H77	Land west of Upper Hoyland Road	Hoyland	6.1	1.76	70	70	0	0	0	0	0	0	0	0	0	35	35	0	0	0	0	0	0	0	0	0				
H79	Land North of Wood Walk	Hoyland	3.6	2.88																										

2012/1275	Land off the East side of	30	16	Urban Barnsley	Full Planning Consent	13-Feb-13	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2012/1337	Land Off Midland Road, Roy	143	125	Royston	Full Planning Consent	19-Mar-13	35	35	35	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2012/1135	Land to east of Thurnscoe	25	23	Goldthorpe -	Full Planning Consent	22-Mar-13	10	8	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2012/1288 - C2 Use	Land off Newsome Avenue,	50	50	Wombwell	Full Planning Consent	09-Apr-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0271	The Close, Off Lund Lane, L	26	26	Urban Barnsley	Full Planning Consent	10-Jun-13	0	26	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0072	Land off Saunderson Road,	22	22	Penistone	Full Planning Consent	03-Jun-13	22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2012/1054	Land off Higham Lane, Dody	41	41	Urban Barnsley	Full Planning Consent	28-Jun-13	40	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0528	Hilltop, Barnsley	23	23	Urban Barnsley	Full Planning Consent	24-Jul-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2012/1142	76 Doncaster Road, Barnsle	10	10	Urban Barnsley	Full Planning Consent	30-Jul-13	0	6	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2008/1825	Warmsworth Stone, Clayton	24	24		Full Planning Consent	22-Aug-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2012/0537 updated by 2015/1134	Willowgarth High School, Br	97	97	Cudworth	Outline Planning	09-Sep-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0731	Land at Lidget Lane, Thurns	23	23	Goldthorpe -	Full Planning Consent	04-Oct-13	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0809	Site of Former Hoyland Com	14	14	Hoyland	Full Planning Consent	25-Oct-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0542	Land off Wentworth Road, M	25	25	Urban Barnsley	Full Planning Consent	29-Nov-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0923	Penistone Grammar School,	34	34	Penistone	Full Planning Consent	27-Nov-13	5	29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/1181	DARDS PH, Pontefract Road	10	10	Cudworth	Full Planning Consent	17-Dec-13	3	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2012/1332	Bondfield Day Care Centre,	32	32	Wombwell	Full Planning Consent	02-Dec-13	13	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0894	Longfield Close, Wombwell	37	37	Wombwell	Reserved Matters Planning	20-Nov-13	0	0	37	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/1217	Former Recreation Centre, n	27	27	Urban Barnsley	Full Planning Consent	15-Jan-14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0932 - Double Counting H11	Land to the North of Lee	164	164	Royston	Full Planning Consent	16-Feb-14	0	0	0	0	1	35	35	30	30	30	3	0	0	0	0	0	0	0	0	0
2014/0011	Former Wentworth Arms, Sh	11	11	Penistone	Full Planning Consent	27-Mar-14	7	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0866 - Completion Rate High	Land off Barnsley Road, Wo	220	217	Wombwell	Full Planning Consent	03-Apr-14	0	15	64	35	35	35	33	0	0	0	0	0	0	0	0	0	0	0	0	
2018/0103 - Double Counting H52	Land at Kingsmark Way, Go	169	169	Goldthorpe -	Outline Planning Consent	22-Apr-14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0249 - Double Counting H14	Land Off Wakefield Road, M	250	250	Urban Barnsley	Outline Planning Consent	17-Apr-14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0114	Land off Matlock Road/Bake	15	15	Urban Barnsley	Full Planning Consent	02-May-14	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0198	Land at Wellthorne Lane, In	13	13		Full Planning Consent	25-Jun-14	0	3	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0408	Land Off Midland Road, Roy	13	13	Royston	Full Planning Consent	09-Jul-14	0	11	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0429	Former Kingstone School, B	163	163	Urban Barnsley	Full Planning Consent	17-Jul-14	0	47	47	35	34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0570	Land at Heelis Street/John S	27	16	Urban Barnsley	Full Planning Consent	04-Sep-14	0	15	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0785 - Completion Rate High	Land off Hartcliff Road, Peni	139	139	Penistone	Full Planning Consent	25-Sep-14	0	0	64	35	35	5	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0641	Land adjacent to St	16	16	Urban Barnsley	Full Planning Consent	17-Sep-14	0	0	9	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0544	Penistone Coal Drops, St.	15	15	Penistone	Full Planning Consent	10-Oct-14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0986	Hesley Group, Low Laithes V	12	6		Full Planning Consent	17-Nov-14	0	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0695	James Durrans & Sons	10	10		Reserved Matters Planning	04-Dec-14	0	0	3	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/1006	Land off Pilley Green/ Lidget	35	35		Outline Planning Consent	02-Dec-14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0808/1	Belle Vue House,	17	17	Urban Barnsley	Outline Planning Consent	17-Dec-14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0853 - Double Counting H28	Former Priory School Site, L	197	197	Urban Barnsley	Full Planning Consent	26-Jan-15	0	29	40	35	35	35	23	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0474 - Completion Rate High	Land North of Wilthorpe Roa	326	326	Urban Barnsley	Full Planning Consent	07-Jan-15	0	0	35	131	35	35	35	35	20	0	0	0	0	0	0	0	0	0	0	
2014/1463	Land off the west of Aldham	25	25	Wombwell	Full Planning Consent	04-Feb-15	0	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/1219	Land at Ellwood, Off Wilson	97	97	Urban Barnsley	Full Planning Consent	27-Feb-15	0	0	23	35	35	5	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/1249	Land off East Side of Lamb	24	24	Urban Barnsley	Full Planning Consent	06-Feb-15	0	0	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/1191	Land at Cypress Heights, Ca	28	28	Urban Barnsley	Full Planning Consent	16-Mar-15	0	0	5	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/1551	Coach and Horses Inn, 32 C	13	9	Hoyland	Full Planning Consent	02-Apr-15	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/0754	Land at Church Lane, Hoyla	67	67		Full Planning Consent	21-Apr-15	0	0	25	35	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2013/0960	Land off Lowfield Road, Bolt	58	58	Goldthorpe -	Full Planning Consent	01-May-15	0	1	36	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2014/1210	Land between 73 and 77 Pa	10	10	Wombwell	Full Planning Consent	15-Jun-15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0354	The former Wellington Publi	11	11	Urban Barnsley	Full Planning Consent	03-Jun-15	0	1	8	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0455	Sturdy Lads Longridge	11	11	Urban Barnsley	Full Planning Consent	31-Jul-15	0	0	8	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0667	Regent House, 11 Regent	54	54	Urban Barnsley	Full Planning Consent	22-Jul-15	0	0	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0849	Land at Clae-Cott, 41 Womb	16	16	Urban Barnsley	Full Planning Consent	04-Nov-15	0	0	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0926	Former North Gawber Colli	174	174	Urban Barnsley	Reserved Matters Planning	22-Dec-15	0	0	30	35	35	35	35	4	0	0	0	0	0	0	0	0	0	0	0	
2013/1048	HOLLY TREES, VERNON F	15	15	Urban Barnsley	Full Planning Consent	06-Dec-13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0892	Land at Hunningley Close,	10	10	Urban Barnsley	Full Planning Consent	19-Oct-15	0	0	9	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0646 - Double Counting H57	30 Cross Street, Monk Brett	95	95	Urban Barnsley	Full Planning Consent	29-Jan-16	0	0	16	35	35	9	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0891	Land to the south-east of	170	170	Urban Barnsley	Reserved Matters Planning	25-Feb-16	0	0	0	0	20	35	35	35	35	35	10	0	0	0	0	0	0	0	0	
2015/1302	Former Highfield Grange	43	43	Wombwell	Full Planning Consent	15-Mar-16	0	0	0	33	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/1407	Former North Gawber Colli	141	141	Urban Barnsley	Reserved Matters Planning	22-Mar-16	0	0	20	35	35	35	16	0	0	0	0	0	0	0	0	0	0	0	0	
2015/1277	Former Longcar Conference	32	32	Urban Barnsley	Outline Planning Consent	26-Jan-16	0	0	0	0	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2016/0024	17 Day Street, Barnsley, S7	10	10	Urban Barnsley	Full Planning Consent	19-Apr-16	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0911	Land at Cross Lane, Hoylan	10	10		Full Planning Consent	23-May-16	0	0	0	7	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/0462	Grove Street Junior &	32	32	Urban Barnsley	Full Planning Consent	19-May-16	0	0	0	0	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/1367 - Double Counting AC34	Nether Mill Farm, Barnsley F	11	11	Penistone	Full Planning Consent	27-Jun-16	0	0	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/1436	Land to the south of The	13	13	Urban Barnsley	Full Planning Consent	30-Jun-16	0	0	0	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2016/0288	Land at Sandygate Lane,	14	14	Urban Barnsley	Outline Planning Consent	29-Jun-16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2016/0169	Land At Wentworth Street,	13	13	Hoyland	Full Planning Consent	15-Jun-16	0	0	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2015/1198 - Double Counting H17	Land off Barnburgh Lane, G	61	61	Goldthorpe -	Full Planning Consent	30-Jun-16																				

2016/0340	Land to the East of Cote Lar	24	24		Outline Planning Consent	20-Dec-16	0	0	0	0	0	24	0	0	0	0	0	0	0	0	0	0	0	0	0
2016/0552	Land at Carrington Avenue,	80	80	Urban Barnsley	Reserved Matters Planning	12-Dec-16	0	0	0	21	35	24	0	0	0	0	0	0	0	0	0	0	0	0	0
2015/0380	Land off Sheffield Road,	30	30	Penistone	Reserved Matters Planning	22-Dec-16	0	0	0	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2016/0259	Land West of Smithy Wood	36	36	Urban Barnsley	Outline Planning Consent	27-Jul-16	0	0	0	0	0	35	1	0	0	0	0	0	0	0	0	0	0	0	0
2015/1425 - Double Counting 232	HILL STREET/SNAPE HILL	30	30	Wombwell	Full Planning Consent	16-Aug-16	0	0	0	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2015/1272	35a and 37a Washington Rd	10	10	Goldthorpe -	Full Planning Consent	02-Aug-16	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2015/1490 - Double Counting H41	FOULSTONE SCHOOL	40	40	Wombwell	Full Planning Consent	21-Sep-16	0	0	0	0	35	5	0	0	0	0	0	0	0	0	0	0	0	0	0
2016/0489	Joseph Locke House,	170	170	Urban Barnsley	Other	29-Jun-16		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PBP Assessment Totals							454	431	708	766	773	428	278	144	90	40	32	19	0	0	0	0	0	0	0
TOTALS		6937	5620				539	576	700	950	1001	532	430	200	127	68	109	132	92	80	40	0	0	20	21

Sites with planning permission <10 dwellings																									
					Proposed Units	Units Plan Period	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33
Total <10 dwellings					1150	1150	105	163	170	87	85	85	85	85	85	85	85	30	0	0	0	0	0	0	0
PBP Assessment Total & Windfall Allowances					1,916	1,916	105	163	170	87	136	136	136	136	136	136	136	81	51	51	51	51	51	51	51

BMBC Trajectory (all sites)																				
Year	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	
Dwellings per annum	644	739	870	1098	1165	1254	1536	1614	1652	1495	1345	1240	1108	930	976	889	856	840	778	
BMBC - TOTAL ALL					21772															

Trajectory (all sites) - PBP Assessment																				
Year	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	
Dwellings per annum	559	594	878	853	944	619	1465	1619	1543	1505	1294	1231	1052	847	921	901	813	843	899	
PBP - TOTAL ALL					19,380															

TOTAL ALL - Surplus/Deficit - PBP vs BMBC	-2,392
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Total All - First 5 Years Post Adoption - 2019/2020 to 23/24	6,751
Inspector First 5 Year Post Adoption Requirement	7,345
Surplus/Deficit - PBP vs BMBC	-594

IN THE MATTER OF THE BARNSELEY LOCAL PLAN EXAMINATION

OPINION

Introduction

1. We are instructed by Yorkshire Land Limited (“YLL”) to give our advice concerning the ongoing examination of the Barnsley Local Plan (“BLP”).
2. In particular, advice is sought as to whether, if the BLP is amended and adopted on the basis of examining inspector’s (“**the Inspector**”) letter dated 24 May 2018, there will be scope to challenge the adoption of the BLP. Such a challenge would be brought pursuant to section 113 of the Planning and Compulsory Purchase Act 2004 (“PCPA”).

Background

3. After the Stage 1 and Stage 2 hearings, the Inspector published Interim Findings on 15 August 2017. These findings expressed concern about the approach in the BLP to housing development in villages, and also about the lack of alignment between the jobs target and the housing requirement.
4. In advance of the Stage 4 hearings, the Council responded by increasing the housing requirement and proposing a number of draft housing allocations in villages.
5. Before the hearings commenced, the Council decided to withdraw proposals for a housing allocation on site EC6 (land east of Sheffield Road, Oxspring – 60 dwellings, 3.4 ha) and safeguarded land on site EC7 (land east of Sheffield Road, Oxspring – 86 dwellings, 4.5 ha), having regard to representations made by Historic England during the consultation period concerning these proposed modifications.

6. The Stage 4 hearings of the examination have concluded, and the Inspector's letter sets out her observations on the plan post-Stage 4. Among other points made, the Inspector has concluded that a number of other proposed housing allocations / safeguarded land would not be sound:
- (1) Site EC9 - Land north of Darton Road, Cawthorne (86 dwellings, 4.2 ha);
 - (2) Site CA2a - Land at Cawthorne, Cawthorne (36 dwellings, 1.7 ha);
 - (3) Site EC11 - Land at Silkstone Common (50 dwellings, 4.2 ha);
 - (4) Site EC1 - Land to the north of Staincross Common (669 dwellings, 23.4 ha);
 - (5) Site EC2 - Land to the north of Staincross Common (675 dwellings, 23.6 ha).
7. The total number of dwellings (albeit indicative only) and the total quantum of land now either withdrawn or rejected is 1662 dwellings and 65 hectares. This is a significant reduction in housing allocations / safeguarded land in the BLP. 5 of the 7 sites are in villages.

Analysis

8. The Inspector has rightly invited comments on the omission of these sites as part of the consultation on main modifications. However, it is not clear from her letter what approach the Council and the Inspector will take to comments aimed at addressing this significant reduction. The clear gap created means that the solution offered by the Council to address the Inspector's interim findings will not at present be sufficient.
9. To ensure that the BLP is sound and the significant reduction in housing allocations and safeguarded land is remedied, in our view it is necessary for the Council and the Inspector to actively identify substitute sites, whether through written representations, or through a further hearing specifically aimed at addressing this issue. Otherwise, the Inspector's initial concerns about soundness will go unaddressed.

10. Throughout the examination process, YLL have proposed potential sites which would address this issue, and have also criticised a number of other housing allocations. Without prejudice to other concerns raised by YLL regarding (1) the sufficiency of the housing requirement, (2) the sufficiency of the allocated sites to meet that requirement, and (3) inadequacies in the assessment and selection of sites for development (all of which may be separate grounds of challenge if not properly addressed), it seems to us that the present predicament can be readily resolved by actively considering alternative sites proposed by YLL.
11. This is a convenient and available solution to the problem, and will have the double benefit of mitigating the serious errors YLL allege to have occurred in ARUP's Green Belt review and the site selection process (which we note have not been responded to by either the Council or the Inspector in her letter dated 24 May 2018). For example, we note the evidence that Hunningley Lane, Worsbrough Dale is a deliverable site, with developer interest. This is a site that could assist in meeting the deficit of housing supply caused by the removal of the proposed allocations. For reasons set out in previous representation by YLL to the examination, the site has also been incorrectly assessed within the Council's Green Belt assessment.
12. The need to find replacement sites is particularly acute in Oxspring, given the findings of the 2014 Housing Needs and Capacity Study for Oxspring, which was undertaken by independent consultants 'URS', instructed by Planning Aid England on behalf of Oxspring Parish Council/Neighbourhood Plan Steering Committee.
13. In a related issue concerning Oxspring, we further note and endorse the representations made by YLL concerning the Blackmoor Business Park. In summary, the site is located in the same parcel of Green Belt that was wrongly assessed. We are instructed that it is a deliverable brownfield site that would meet the employment needs of Penistone (this is particularly important given that Site P2 is recognised as not being developable until the latter stages of the plan). It would also help the vitality of a number of villages, which again is something to

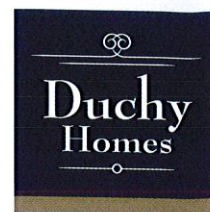
which weight should be given in light of the Council's decision not to identify any rural business parks. If it came forward for employment development, it would appear to render the Oxspring Fields site an infill site. This would only serve to strengthen the case for the release of the Oxspring Fields site as the only deliverable site in the village following the removal of the previously proposed allocations.

14. There is still a full opportunity for a constructive approach to be taken to addressing the loss of sites. If this opportunity is not taken, and the BLP is adopted without filling the gap left by the above sites, then the BLP will be at serious risk of a challenge under section 113 of the PCPA.

Conclusion

15. We suggest that the Inspector and the Council make it clear that it is either inviting written representations, or an additional hearing, to consider alternative sites to replace those either withdrawn by the Council or rejected by the Inspector at Stage 4.
16. If this approach is not taken, then it is not clear how the Inspector can reasonably conclude that her interim concerns about the approach to housing in villages have been addressed.

**SASHA WHITE Q.C.
MATTHEW FRASER
Landmark Chambers
180 Fleet Street
London
10 July 2018**



Duchy Homes Ltd
Pure Office Ltd
4100 Park Approach
Leeds
LS15 8GB

Mr P Butler
PB Planning
Po Box 827
York
YO31 6EE

9th August 2018

Dear Paul,

**Re: POTENTIAL SITE AT ROUGHBIRCHWORTH LANE, OXSPRING
BARNSELY LOCAL PLANNING REFERENCE: SITE EC8**

I visited the site above site with my technical director last year and met with the owner, Mr Faxon to discuss the potential for Duchy homes to acquire the site for housing development.

As you are aware from our previous discussions, this is a premium location in which Duchy urgently requires land opportunities. Our product at Penistone (Bridge End) was well received and sold out quickly and so we are keen to make further acquisitions in this area.

When we appraised the site last year, we decided against pursuing the opportunity due to a number of large mature/semi-mature trees on the site, where it was our belief that the Council would strongly oppose their removal, particularly when considering that there appeared to be an established rookery.

We also had concerns that the stone outbuildings, situated to the west of the main homestead, were likely to have historical interest. We were advised by the owner that these were previously utilised as cottages dating back well over 100 years. We therefore considered that there would likely be strong opposition from both the Parish and Borough Council to the removal of these buildings, which would be required to facilitate new build development.

Since we reviewed the site, it has been brought to my attention that the owner has recently submitted a planning application for the development of fourteen dwellings on the part of the site shown as Urban Fabric within the development Plan. My understanding is that the current application (ref: 2018/0746) proposes to remove all trees and buildings from the site. I am also advised that the Parish Council, whilst not objecting to the principal of development at the site, have raised concerns that the current scheme falls below the threshold requiring the provision of affordable homes and that the applicant should submit an updated/more comprehensive scheme which also encompasses the safeguarded land to the west.

Whilst we also have concerns with a number of other technical issues in regards to surface water drainage/attenuation and discharge which would need to be resolved, we have decided to take a further review of the site as there are very limited opportunities in this area of the Borough, something we had hoped the Local Plan would address, to meet the demand for housing in this part of the Borough.

In order to aid our further review, would you please write to seek the written position/opinions of the Councils tree and ecology officers with regards to the removal of the trees from the site and in addition, will you also please make contact with and obtain the written position/opinion of the Councils heritage officer regarding the value of the historic stone outbuildings.

We are also aware that during the Local Plan Consultation, there has been at least a couple of instances where Historic England have intervened and objected to site proposals put forward by the Council, including EC6 and EC7 in Oxspring and Site H73 in Worsbrough. We therefore believe it would also be prudent for you to contact the relevant personnel at this organisation to ensure that they have no objections to the removal of the historical buildings if Duchy were to acquire the site for development.

It would be greatly appreciated if you could expedite this matter. Should any issues arise, please don't hesitate to contact me.

Yours sincerely

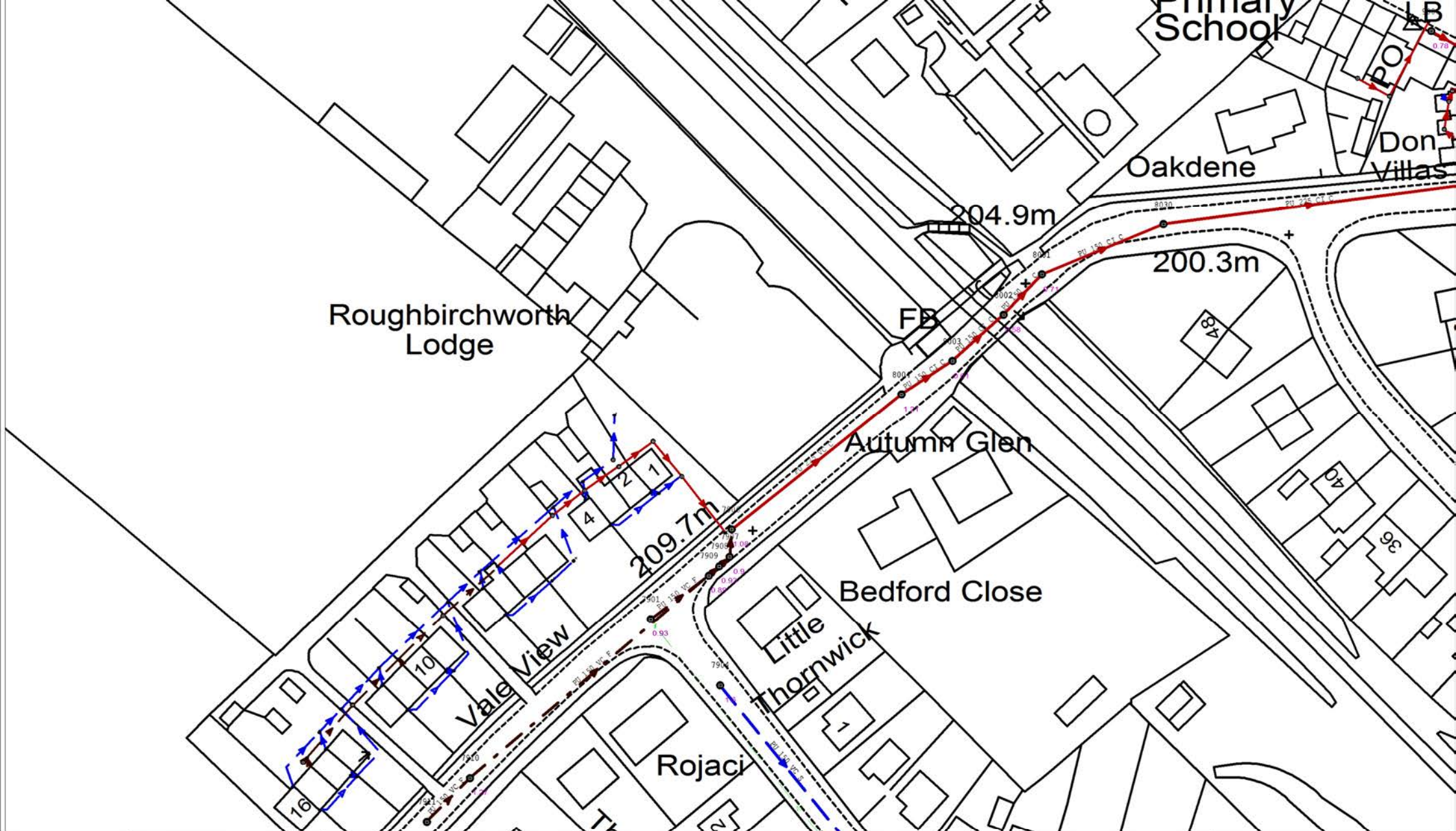
JIM CROPPER
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HISTORICAL MAP – ROUGHBIRCHWORTH LODGE, ROUGHBIRCHWORTH LANE, OXSPRING – DATED 1851





426595 : 401916	<div> YorkshireWater</div> <div>Yorkshire Water, PO Box 500, Halifax Road, Bradford BD6 2LZ Contact Name : r khan Contact Tel :</div>	Map Name : SE2601NE	Title	Partial Key Foul Sewer = F Combined Sewer = C Surface Water Sewer = SW Trade Sewer = TD Partially Separate = PS	This plan is furnished as a general guide only and no warranty as to its correctness is given or implied. This plan must not be relied upon in the event of excavations or other works made in the vicinity of public sewers. No house or property connections are shown.
		Notes			
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				Source : Sewer Network Enquiry	

Roughbitchworth Lane, Oxspring



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