

Planning Policy,
Regeneration and Property,
Barnsley Metropolitan Borough Council,
PO Box 634, Barnsley,
S70 9GG

13th September 2018

Dear Sir or Madam,

REPRESENTATIONS TO DRAFT OXSPRING NEIGHBOURHOOD DEVELOPMENT PLAN

I write on behalf of Yorkshire Land Limited (YLL) to provide you with our response to the Draft Oxspring Neighbourhood Development Plan which was published for consultation in August 2018.

From our review of the latest document it is clear that the comments we have made to previous versions of the Draft Oxspring Neighbourhood Development Plan (Draft ONDP) have again disappointingly been ignored.

It is for this reason that we formally wish to re-issue and re-iterate the representations we submitted in January 2016. Accordingly, a copy of the representations and its enclosures are submitted alongside this letter. For clarity and the avoidance of doubt, please consider this letter and the enclosed previously submitted representations as our client's formal response to the Draft ONDP.

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

The main issue that we would raise at this point is the timing of the submission of the Draft ONDP to Barnsley Metropolitan Borough Council (BMBC). This is due to the fact that the emerging Barnsley Local Plan has not yet been adopted and the risk this poses to the ability of the document to meet the "basic conditions" of a Neighbourhood Plan.

National Planning Legislation and Policy Guidance clearly states that Neighbourhood Plan bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. More specifically [Paragraph 29](#) of the Revised National Planning Policy Framework (NPPF 2018) states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies. They can however promote more development, especially where development proposals are considered to achieve the principles of sustainable development.

The Town and Country Planning Act sets out at Paragraph 8(2) of Schedule 4B that a Neighbourhood Plan should meet following "basic conditions":-

- a) *have regard to national policies and advice contained in guidance issued by the Secretary of State;*
- b) *have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses;*
- c) *have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;*
- d) *contribute to the achievement of sustainable development;*
- e) *be in general conformity with the strategic policies contained in the development plan for the area of the authority;*
- f) *not breach, and it is otherwise compatible with, EU obligations;*
- g) *prescribe conditions that are met in relation to the plan and the prescribed matters have been complied with in connection with the proposals for the plan"*

If a Neighbourhood Plan does not meet each of the Basic Conditions then it cannot be considered a sound and robust document, thereby risking the successful 'making' of the document when it reaches the examination stage.

In respect of conformity and relationships with Local Plans, where an up-to-date Local Plan has been adopted and is in place for the wider authority area, the Neighbourhood Plan is required to support and meet the strategic policies contained within it. When a Local Plan document is emerging or is yet to be found sound at Examination, such as the Barnsley Local Plan, this creates a lack of certainty over the level of development required (particularly housing development) which a Neighbourhood Plan may be required to contribute towards.

Although a Neighbourhood Plan can progress in advance of the adoption of a Local Plan, in doing so there is the risk that policies and proposals contained within it could be rendered abortive. This is because Neighbourhood Plan policies and proposals may require amendment if the emerging Local Plan documentation is found to be unsound at examination.

In this regard, as you know from previous correspondence and discussions, YLL has concerns over the soundness of the emerging Barnsley Local Plan. They believe that the policies identified within the emerging Barnsley Local Plan, associated with the delivery of new homes in Villages and the evidence base that underpins it (such as the Green Belt Review and Village Sustainability Assessments), do not conform to national planning policy guidance.

More specifically, the concerns YLL have raised to BMBC in the latest round of consultation on the Barnsley Local Plan are in relation to the following matters:-

- 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 (URS Study) 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.

YLL's representation to the BMBC Local Plan Main Modifications document are enclosed with these representations.

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 NPPF (which is still current in respect of the Local Plan examination process).

YLL have requested an opinion from Sasha White QC with regards to their outstanding concerns associated with the Barnsley 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.

The key conclusions reached in the opinion of Sasha White QC of relevance to the points we make in these 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)

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. 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.

With regard to the Neighbourhood Plan Basic Conditions identified above, we are therefore concerned that the policies and objectives set out in the Draft ONDP would not meet basic condition a) when assessed against national planning policy guidance and potentially condition e) should any amendments be made to the Barnsley Local Plan in respect of housing developments located within the Villages.

In addition to the above, and more specifically in relation to the proposed policies and aspirations of the Draft ONDP, Paragraph 005 (Reference ID 41-005-20140306) of the National Planning Practice Guidance (NPPG) specifically states that *"if the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable"*.

As we have stated on a number of occasions, we are concerned that the Draft ONDP simply does not identify "how" each of the identified policies will be delivered. Accordingly, we are concerned that the identified aspirations will remain as theoretical concepts unless feasible and viable delivery mechanisms are identified.

We firmly believe that YLL's Oxspring Fields development proposals are the only feasible and viable delivery mechanism available to provide the Village's aspirations.

The key findings of the URS Study have again been ignored, yet certain evidence presented within the document has been "cherry picked" to align to the preferred approach of Oxspring Parish Council, particularly in relation to affordable housing needs and housing mix. The irony being that should the Draft ONDP's policies in respect of housing delivery remain the same there will be little, or no housing delivered in the Village in any event before 2033.

Policy OH1 of the Draft ONDP seeks to deliver only small scale housing on sites of 0.4Ha or less and for between two and nine houses. Yet the same policy also identifies that affordable homes will be delivered on sites above 15 homes in size (in accordance with the emerging Barnsley Local Plan policy). This is crystal clear evidence of the contradictory nature of the policy that is transparent for all to see. ***If this policy is maintained how will affordable housing needs in the Village be delivered?***

The answer is not rural exception sites. There is no evidence to back up the delivery of new affordable homes through rural exception sites. Which, if anything, would lead to a piecemeal release of land from the Green Belt. Which very few people would support in any event.

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

We are still of the firm view that such an approach is socially unethical, especially when there are planning mechanisms available which will allow the release of deliverable housing sites in the Village (our clients sites at Oxspring Fields & Millstones) which has a minimal impact on the character of the Village and the local landscape and will deliver a myriad of long desired and otherwise undeliverable community benefits identified in the Draft ONDP.

The Draft ONDP continues to identify that only small scale development is appropriate due to the unsustainable nature of the settlement. A position which we strongly object to and have evidenced is incorrect. Indeed, the Draft ONDP again provides substantial evidence of its own to demonstrate how sustainable the Village is, which is also supported by further information publicly available on the Parish Website controlled by Oxspring Parish Council, in BMBC's Adopted UDP and within the Oxspring Fields Sustainability and Accessibility Study, which was undertaken jointly by ourselves and Pell Frischmann. We have provided further evidence of the sustainability of the Village within our own Village Sustainability assessment that we submitted as evidence to the Barnsley Local Plan Examination in Public process.

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

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

We believe there is an unequivocal justification for the allocation of 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.

The substantial level of 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.***

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.

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

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.

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 Villages and Borough's identified housing needs within the first 5-years of the Local Plan.

Finally, we believe it is pertinent to again point out that 3.17 hectares (7.83 acres) of the Oxspring Fields site is included within the adopted Oxspring Neighbourhood Plan boundary. Whilst Oxspring Parish Council have stated on more than one occasion that the Oxspring Fields site is not located within the Oxspring Neighbourhood Plan boundary, it is a **fact** that half of the proposed housing site (i.e. excluding the proposed country park) is included within the adopted neighbourhood plan boundary.

The arguments for extending the ONDP boundary further are identified above with regards to the substantial benefits that the Oxspring Fields site can deliver. Furthermore, if the ONDP boundary were extended further to include the whole of the Oxspring Fields site, then the boundary would work to logical and defensible features (rather than a field boundary as at present).

We again hope that this letter will be thoroughly considered alongside all of the information our client has previously submitted in respect of the ONDP.

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

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

The potential still exists for us to work together towards the delivery of an exemplary Neighbourhood Plan which can be considered "best practice" in respect of providing evidence of the significant number of benefits that can be delivered when the local community and developers work together.

We trust the comments made in these representations and within the enclosed documentation will be thoroughly considered in BMBC's review of the Draft ONDP. Should you need any further information, please do not hesitate to contact me.

Kind regards,

A handwritten signature in blue ink, appearing to read 'P. Butler'.

PAUL BUTLER
Director



PB Planning

*Oxspring Draft
Neighbourhood Development Plan
2014-2033*

**Representations on behalf of
Yorkshire Land Limited**

January 2016

Strategy > Partnership > Delivery

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1.0 INTRODUCTION

- 1.1 We write on behalf of our client Yorkshire Land Ltd (YLL) to provide comments in response to the Oxspring Draft Neighbourhood Development Plan 2014-2033 (Draft ONP) which was published in November 2015.
- 1.2 YLL has successfully developed land in and around Oxspring, Penistone and the wider Western Rural District for over 27 years. YLL have been instrumental in delivering a number of housing sites in Oxspring and the Western Rural part of the Borough, bringing tens of millions of pounds of investment to the area. Their focus has been to provide tangible benefits to enhance the local environment as part of their development schemes without the receipt of grant funding of any type.
- 1.3 YLL has held a variety of land interests within Oxspring since 1989 and during this time have brought forward for development the Millstones, Wood cottages and Longley Ings residential developments together with the Martree Business Park, all of which were Brownfield sites. In addition, they have also brought forward the Brookfield housing development which was a Greenfield site developed by David Wilson Homes.
- 1.4 The focus of these representations relates to YLL's Oxspring Fields development proposals. YLL are keen to work with local stakeholders to proactively consider the release of their land to enable the delivery of the significant number of benefits that their Oxspring Fields development proposals can provide for the local area.
- 1.5 Accordingly, YLL support a number of the objectives identified within the Draft ONP as these align with their own and will provide considerable benefits to Oxspring. However, the main concern of YLL is that there is no evidence presented within the Draft ONP to identify how the identified ambitions will be facilitated within the Plan Period to 2033 without the delivery of new homes as part of the Oxspring Fields development proposals. YLL's proposals can and will deliver both the funding and the land required.
- 1.6 This principle point of concern was raised in our representations to the previously published Consultation Draft Oxspring Neighbourhood Plan (January 2015) and we are therefore disappointed that this key issue has not been rectified in the current consultation document.
- 1.7 Accordingly this raises a number of concerns associated with the validity of the Draft ONP and its ability to meet current national planning legislation, policy and guidance. Particularly in light of the apparent insistence that the document progresses in advance of the emerging Barnsley Local Plan. An emerging local planning policy document that could be amended on a number of occasions prior to its adoption, rendering a number of the policies and aspirations of the

Draft ONP out of date and the resource associated with the production of the document largely abortive.

- 1.8 Importantly it is our current view that the Barnsley Local Plan will need to be amended in order for it to be considered sound by a Government Appointed Inspector. The required amendments relate to the following:-
- The robustness of the Green Belt Review on account of its assessment not including existing safeguarded sites and the disregarding of conclusions associated with the further review of suggested sub-divisions of assessed areas;
 - That the approach of identifying no housing allocations within the designated Villages will ensure that the identified housing needs of these settlements will not be met in the Plan Period up to 2033;
 - Oxspring should be included within the designated area associated with the Principal Town of Penistone, on account of the inextricable and historical links between the two settlements; &
 - The proposed distribution of growth and housing allocations will not deliver the number and type of new homes required to meet Barnsley Metropolitan Borough Council's (BMBC's) own Housing Needs, Aspirations and Economic and Housing strategies.
- 1.9 It will become clear in these representations that where our client disagrees with the draft Neighbourhood Plan is the amount of new homes which are proposed to be delivered in the Village during the Local Plan Period. The Oxspring Fields site can deliver up to 150 new homes over the 19 year development plan period (2014-2033) which would equate to only 8 homes per annum of which 2.5 would be affordable, provided at no cost to the public purse.
- 1.10 3.17 Ha (7.83 Acres) or approximately half of the proposed Oxspring Fields housing site is already included within the Adopted Oxspring Neighbourhood Plan Boundary and the development of this area could deliver circa 100 new homes to meet the identified housing needs of Oxspring.
- 1.11 Within their recent Local Plan Additional Consultation Document (October 2015), BMBC have proposed to re-designate a safeguarded land site located elsewhere in the Borough as Green Belt. Thus providing evidence that such a mechanism is available and can be utilised in respect of the Safeguarded Land North and South of Roughbitchworth Lane, Oxspring. YLL's proposal is simply to seek the allocation of its land at Oxspring Fields in place of the Safeguarded Lane Site SAF18 North and South of Roughbitchworth Lane to ensure the delivery of Oxspring's independently assessed Housing needs. Given the Oxspring Fields site has minimal impact on the Green Belt and local infrastructure (roads/drainage); and its development will deliver an unprecedented number of community benefits to the local area, we consider our approach to be sensible and in accordance with relevant planning guidance.

- 1.12 We acknowledge national planning policy guidance which identifies that a Neighbourhood Plan must be in general conformity with the Borough Local Plan. However, as identified above, given the Borough's Local Plan is at the consultation stage there is an opportunity for the ONPG and the local community to proactively influence the production of the Borough Local Plan to ensure the delivery of the Village's identified needs and aspirations.
- 1.13 The initial arguments presented above will be set out in further detail over the course of these representations.
- 1.14 We trust that the representation we provide here will be considered alongside the numerous other comprehensive representations and correspondence that our client has previously submitted to the ONPG, OPC and their consultants Kirkwells. We request that the comments made in this document are also presented to the local community for their consideration, in order to ensure that the Oxspring Neighbourhood Plan has been prepared transparently.
- 1.15 YLL believe that the need to ensure transparency in the future preparation of the document is of paramount importance given that at this point it is evident that the delivery of a number of the policies and proposals contained within the Draft ONP will simply not be financially viable without the delivery of our client's development proposals at their Oxspring Fields site. We know of no other feasible funding sources available.
- 1.16 It is our clear view that without the delivery of new homes in the Village the majority of the identified ambitions of the Draft ONP will not be viable and as consequence are un-deliverable.
- 1.17 Overall YLL are extremely supportive of a number of the identified aspirations of the plan as these align with their own and they will enhance an already very sustainable Village in the context of Paragraph 6 to 10 of the NPPF.
- 1.18 We remain hopeful that the ONPG and OPC will desire to work with YLL towards the delivery of an exemplary Neighbourhood Plan which can be considered "best practice" in respect of providing evidence of the significant number of benefits that can be delivered when the local community and developers work together. The Oxspring Fields development proposals provide OPC and ONPG with an opportunity to deliver unrivalled benefits for the community which they have been elected to represent and facilitate the provision of new and enhanced Village, Parish and Borough-wide assets.
- 1.19 Whilst many of the Neighbourhood Plan's identified concepts are supported, they will remain merely as theoretical concepts unless feasible and viable delivery mechanisms are identified. YLL are the only feasible and viable delivery mechanism available to provide the Village's

aspirations and present an unrivalled opportunity to the Neighbourhood Plan Group to deliver a future for the village that they, and most importantly the local community can be proud of.

- 1.20 Once again, we trust the comments made in these representations will be thoroughly considered in the preparation of the next stages of the Oxspring Neighbourhood Plan.

2.0 NATIONAL PLANNING LEGISLATION & EMERGING BARNSELEY LOCAL PLAN

- 2.1 This section of the representations sets out the current planning legislation and policy guidance with which Neighbourhood Plans need to adhere and considers whether the Draft ONP can be considered to comply with them.
- 2.2 National Planning Legislation and Policy Guidance clearly states that Neighbourhood Plan bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. More specifically [Paragraph 184](#) of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies. They can however promote more development, especially where development proposals are considered to achieve the principles of sustainable development.
- 2.3 The Town and Country Planning Act sets out at Paragraph 8(2) of Schedule 4B that a Neighbourhood Plan should meet following “basic conditions”:-
- a) *have regard to national policies and advice contained in guidance issued by the Secretary of State;*
 - b) *have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses;*
 - c) *have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;*
 - d) *contribute to the achievement of sustainable development;*
 - e) *be in general conformity with the strategic policies contained in the development plan for the area of the authority;*
 - f) *not breach, and it is otherwise compatible with, EU obligations;*
 - g) *prescribe conditions that are met in relation to the plan and the prescribed matters have been complied with in connection with the proposals for the plan”*
- 2.4 If a Neighbourhood Plan does not meet each of the Basic Conditions then it cannot be considered a sound and robust document, thereby risking the successful ‘making’ of the document when it reaches the examination stage.
- 2.5 In respect of conformity and relationships with Local Plans, where an up-to-date Local Plan has been adopted and is in place for the wider authority area, the Neighbourhood Plan is required to support and accord with the strategic policies contained within it. When a Local Plan document is emerging or is yet to be found sound at Examination, such as the Barnsley Local Plan, this creates a lack of certainty over the level of development required (particularly housing development) which a Neighbourhood Plan may be required to contribute towards.
- 2.6 Although a Neighbourhood Plan can progress in advance of the adoption of a Local Plan, in doing so there is the risk that policies and proposals contained within it could be rendered

abortive. This is because Neighbourhood Plan policies and proposals may require amendment if the emerging Local Plan documentation is found to be unsound at examination.

- 2.7 In this regard, and as identified above in paragraph 1.8, YLL has profound concerns over the soundness of the emerging Barnsley Local Plan.
- 2.8 With regard to the Neighbourhood Plan Basic Conditions identified above, we are therefore concerned that the policies and objectives set out in the ONP do not meet basic condition a) when assessed against national planning policy guidance and potentially condition e) should any amendments be made to the Barnsley Local Plan in respect of housing developments located within the Villages.
- 2.9 In addition to the above, and more specifically in relation to the proposed policies and aspirations of the Draft ONP, Paragraph 005 (Reference ID 41-005-20140306) of the National Planning Practice Guidance (NPPG) specifically states that *“if the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable”*.
- 2.10 As will be identified in further detail within the proceeding sections of these representations we are concerned that the Draft ONP simply does not identify “how” each of the identified policies will or can be delivered. Accordingly, we are concerned that the identified aspirations will remain as theoretical concepts throughout the ONP period to 2033 unless feasible and viable delivery mechanisms are identified.
- 2.11 We firmly believe that YLL’s Oxspring Fields development proposals are the only feasible and viable delivery mechanism available to fulfil the Parish’s identified needs and aspirations.

3.0 EMERGING BARNSLEY LOCAL PLAN

3.1 This section of the representations seeks to provide specific and detailed comments in respect of YLL's identified concerns associated with the soundness of the emerging Barnsley Local Plan.

3.2 As identified above these concerns relate to the following matters:-

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

3.3 Each of the points identified below are discussed in further detail below.

Robustness of the Barnsley Green Belt Review

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

3.5 The Green Belt Review did not undertake an assessment of any of the existing safeguarded land designations in the Borough, including the Land at Roughbitchworth Lane (Site SAF18), against the five purposes of the Green Belt.

3.6 We consider it quite disconcerting that Site SAF18 was not included within the Barnsley Green Belt Review. Historical decisions taken over fifty years ago in respect of the allocation/designation of land and the pattern of settlement growth should not simply be repeated. The characteristics of both proposed development sites and the character of settlements and their surrounding area can substantially change over the course of time, as can planning policy and guidance. Furthermore, additional development sites can be promoted by land owners which provide, in some instances, more appropriate development opportunities in light of up to date evidence and planning policy.

3.7 As a starting point we believe that it is of paramount importance that when identifying site allocations and land designations within the emerging Barnsley Local Plan, an up to date

assessment of all proposed and safeguarded development sites should be undertaken. Not simply newly proposed sites, especially where a site was removed from the Green Belt in the 1960's.

- 3.8 Notwithstanding the above, the report which relates to the area closest to Safeguarded Land Site SAF18 is contained within sections PEN2 and PEN11 of Arup's Barnsley Green Belt Review document 'Penistone and Neighbouring Villages'. Our client's Oxspring Fields development proposals are also located in assessed area PEN11.
- 3.9 The North Western parcel of Site SAF18 is located in the eastern section of general area PEN2. The document identifies the following key points in respect of area PEN2:-
- Generally, safeguarded land and allocations made by the UDP proposals map do not strengthen this boundary but enforce its irregularity.
 - The existing Green Belt boundary is particularly weak to the south of Oxspring around Roughbitchwood Lodge.
 - Land at locations to the east of the assessed area are more open.
 - To the east of Long Lane, the existing Green Belt boundary is stronger, with the Trans Pennine Trail and the railway line providing permanent boundaries and checking further sprawl between Penistone and Oxspring.
 - The strength of the boundary at Roughbitchworth Lane is under pressure from development and is weaker where it reconnects with Oxspring; however, overall the Green Belt to the east of Long Lane fulfils Green Belt purposes to a greater degree.
- 3.10 It is clear from the Green Belt Review that the development of the North Western parcel of Site SAF18 would only aid in re-enforcing the area's weak defensible boundary irregularity and that a more appropriate long term defensible boundary would be the Trans Pennine Trail given the openness of the area to the east of Long Lane. A characteristic that provides justification for the retention of this area in the Green Belt.
- 3.11 Both the South Eastern parcel of Site SAF18 and our client's Oxspring Fields development site are located in general area PEN11. This report identifies the following key points in respect of area PEN11:-
- The Trans Pennine Trail within a dismantled railway could represent a strong internal boundary, should the General Area be considered for sub-division.
 - The Green Belt in PEN10 has sought to focus development to other land within Oxspring, although the area of safeguarded land off Roughbitchworth road will appear to weaken the integrity of the Green Belt.
- 3.12 With regard to the retention of Site SAF18 as Safeguarded Land within the emerging Local Plan the key conclusion for the Green Belt Review is that the site would *"appear to weaken the integrity of the Green Belt"*.

- 3.13 With regard to YLL's Oxspring Fields development proposals, the assessed area PEN11 covered land located either side of the Trans Pennine Trail, a key locational characteristic which we believe should have been used as the assessment area boundary. Particularly when considered against the conclusions of the assessment as identified above and the fact that the Oxspring Fields site is located on lower and less prominent ground to the East of the Trans Pennine Trail within the river Don Valley.
- 3.14 The assessed area of PEN11 located to the North East of the Trans Pennine Trail, where our client's proposed Oxspring Fields development is located, benefits from a strong defensible boundary further to the North East in the form of the B6462/Sheffield Road. Whereas to the South west of the Trans Pennine Trail, where the southern parcel of Site SAF18 is located, there are no logical boundaries until Cross Lane, which is located almost 1km from the Trans Pennine Trail.
- 3.15 As a consequence it can be reasoned that our client's proposals have not been assessed appropriately as they have been included within an assessment area where land to the West of the Trans Pennine Trail shares entirely different environmental characteristics to that located to the east of the Trans Pennine Trail where the Oxspring Fields site is located. Alongside the non-assessment of Site SAF 18 within the Green Belt Review, we believe this provides a further valid reason to warrant a review of the document prior to publication of further versions of the Barnsley Local Plan.
- 3.16 Furthermore, our client is also disappointed that the sizeable decommissioned Works site (identified as a 'depot' on the map of general area PEN11) was not specifically identified as a further strong defensible boundary to the south eastern area of PEN11. If you include this boundary alongside the Trans Pennine Trail, the B6462/Sheffield Road and the existing settlement area of Oxspring located to the North West, it is clear that our client's Oxspring Fields development site benefits from strong, defensible and enduring boundaries on all sides. The same cannot of course be demonstrated for Site SAF 18.
- 3.17 Similar concerns to those that we raise above in respect of the soundness of the Green Belt Review have also been identified by Inspector Stephen Pratt, whom criticised the Green Belt assessment used to inform the emerging Cheshire East Local Plan, which was also undertaken by Arup. In his 'Interim Views' report, which consequently resulted in the suspension of the examination hearings, Inspector Pratt concluded that the process and evidence relating to the proposed amendments to the Green Belt were flawed. The following paragraphs from the report highlight the Inspector's key concerns:-
- '...in some cases, land which makes a major or significant contribution to the Green Belt is proposed for release, whilst other sites which only make a limited contribution to the Green Belt do not seem to have been selected. Although the release of land from the Green Belt was based on several factors, this suggests that insufficient weight may have been given to the status and value of certain sites in Green Belt terms compared with other factors such as land ownership, availability and deliverability, when preparing and finalising the plan.'*

Inspector Pratt, Interim Views, para 83

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

Inspector Pratt, Interim Views, para 85.

- 3.18 We believe that a more detailed Green Belt assessment should be undertaken which considers each of the points we raised above. Without the undertaking of this further work we are of the view that it is highly probable that an inspector will also find the Barnsley Green Belt Review flawed for similar reasons to those identified above, which could lead to the whole emerging Local Plan being considered unsound.
- 3.19 Whilst we have concerns over the soundness of the Green Belt Review for the reasons identified above, it is also apparent from this element of BMBC's own evidence base that there is no robust, up to date, justification for the retention of Site SAF 18 as a Safeguarded Land designation for future housing development. Even without a site specific assessment of Site SAF 18, clear evidence is presented in the Green Belt Review which identifies that the retention of the site as Safeguarded Land weakens the integrity of the Green Belt on account of a lack of defensible boundaries and openness of the area immediately surrounding the site. A position that is entirely the opposite to that of our client's proposed development site at Oxspring Fields. Where Arup identified that the Trans Pennine Trail within a dismantled railway (which forms the Southern Boundary of the Oxspring Fields site) could represent a strong internal Boundary.
- 3.20 Finally, when the conclusions we identify above are considered against those presented in the latest Barnsley Strategic Housing Land Availability Assessment, which identifies Site SAF18 as a Category 2 development site on account of deliverability issues, including impact on landscape character, and our client's Oxspring Fields site as Category 1 site due to there being no suitability, availability and achievability concerns, it is unquestionable that the Oxspring Fields site represents a far superior residential development site.
- 3.21 The evidence provided above gives substantial weight to YLL's proposal for the release of their Oxspring Fields site from the Green Belt in exchange for Site SAF 18 which can be returned to Green Belt allocation, resulting in no significant nett loss of Green Belt land within Oxspring.

Meeting Identified Housing Needs in the Villages

- 3.22 The focus of our comments here are to identify how the results of the independent URS Housing Needs & Capacity Assessment for Oxspring (2014) have significant implications in respect of the soundness of both the ONP and the Barnsley Local Plan if changes are not made to the policies contained within them.

- 3.23 The URS Housing Needs & Capacity Assessment (the URS Study) was prepared on behalf of Oxspring Parish Council's Neighbourhood Plan Group in order to assess Oxspring's 'fair share of development' which would subsequently inform the policies and proposals of the ONP. The document concludes by identifying the need to deliver between 53 and 68 new homes in the Village in the period 2008 to 2026 (which is based on the current Barnsley Core Strategy timescale 2008-2026), circa 4 homes per annum. The document identifies a need for a range of house types, including affordable housing.
- 3.24 The figures presented in the document were generated using an assessment of the population projections at that time, alongside other available evidence. It is important to state here that updated projections were published earlier this year and that an assessment of the impact of these projections on the housing figures for Barnsley are currently being undertaken, which may result in an increase in household growth in the Barnsley Borough area above the previously published projections. In addition, the Draft Barnsley Local Plan, with which the ONP is required to comply, now seeks to identify local planning policies for the Borough up to 2033, 7 additional years of housing need which is unaccounted for in the URS Study. There is therefore reasonable justification for the figures identified in the URS Study to be increased accordingly to a level closer to 96 new homes.
- 3.25 The results of the URS Study present an overriding issue for both the policies contained within the Draft ONP and the emerging Barnsley Local Plan. Both of these documents do not include policies which seek to meet the identified housing needs of the Village.
- 3.26 YLL previously responded to the Draft Barnsley Local Plan to object to the policy approach of not seeking to identify any housing land allocations in the Borough's villages. They believe that the "U-turn" in the Council's approach from the Draft Sites & Places Plan (October 2012) is not based on sound evidence in respect of the Barnsley Metropolitan Borough Council's (BMBC) Green Belt Review and as the approach will not meet national planning policy in respect of meeting both the private and affordable housing needs and aspirations required to sustain the vitality of Villages and rural areas.
- 3.27 The findings of the URS Study therefore confirm and add significant weight to YLL's judgment. Especially when it is considered that the study has been commissioned independently by 'Planning Aid England' and prepared by professional planning consultants on behalf of OPC.
- 3.28 In consideration of the evidence presented in the URS Study and ONP's proposed draft policy to deliver the housing needs of the Parish on small Non-Green Belt Windfall sites within the village, we undertook an assessment of the available non-Green Belt housing sites located within Oxspring (Non-Green Belt Windfall and Safeguarded Land Housing Deliverability and Capacity Assessment – July 2015 which is enclosed with these representations) to identify whether there are sufficient deliverable sites to meet the Village's identified housing needs in

the ONP period to 2033. The findings of the assessment are clear in that excluding the existing safeguarded land at Roughbitchworth Lane (Draft Local Plan Reference 'SAF 18'), there are no deliverable non-Green Belt sites that could meet the Village's identified housing needs. Though the existing safeguarded site is completely unsupported by local residents and the Parish Council, it is the only non-Green Belt site that can meet the Village's housing needs in respect of its size. However, our assessment also identifies that the site is not currently deliverable for a number of reasons. An assessment that aligns with the findings of the Barnsley Strategic Housing Land Availability Assessment which identifies the site as a Category 2 site on account of deliverability issues, including impact on landscape character.

- 3.29 Our assessment concludes that the only way in which Oxspring's housing needs can be met is through the allocation of YLL's Oxspring Fields development proposals. We further argue that the re-designation of the Safeguarded Land site as Green Belt will ensure that there is no significant loss of Green Belt land within the vicinity of the Village.

Oxspring's Inextricable Linkages to Penistone

- 3.30 The results of the URS Study and the assessments we have previously undertaken should also be viewed against Oxspring's recognised capacity for further growth. Unlike all other villages situated within the Western Part of the Borough, Oxspring is unique in its physical relationship with the Principal Town of Penistone with which it is inextricably linked. Indeed, this point is specifically recognised in the adopted Unitary Development Plan (Volume 13 'Western Rural Area' at paragraph 4.12):-

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

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

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

- 3.32 In addition to the raft of firm evidence set out in BMBC's Adopted UDP, YLL instructed Pell Frischmann (recognised as one of the UK's leading firms of Consulting Engineers) to undertake a comprehensive 'Oxspring Fields Sustainability and Accessibility Study' (which is enclosed with these representations) and this was submitted to BMBC in January 2015 and provides further detailed evidence of the inextricable links between these two settlements, including the fact that two existing business parks which serve the employment needs of the Principal Town of Penistone, are actually located within the Parish of Oxspring. In addition the Draft Local Plan proposes a further, larger, business park in Oxspring (Draft Local Plan Reference 'P2') this being the only proposed site to serve the future employment needs of Penistone for seventeen

years up to the end of the Local Plan period in the year 2033. Additionally, the B6462 Sheffield Road which traverses the length of Oxspring, is also the Main Spine Road into and out of Penistone. It is apparent that no other village shares the same physical connectivity with Penistone.

- 3.33 On account of the recognised inextricable links between Oxspring and Penistone, it is our view that Oxspring should be considered a part of the Principal Town of Penistone within future versions of the Barnsley Local Plan. We consider that Oxspring shares a similar geographical proximity to Penistone as that of Cubley (which is already identified as a part of Penistone), however, we believe that Oxspring has a superior connectivity in respect of the location of employment uses, accessibility to Town Centre facilities and sustainable transport links including the Trans Pennine Trail. Further proof of the inextricable relationship between the two settlements is presented through the inclusion of areas of Oxspring Parish within the defined settlement area of Penistone, i.e. Penistone's only proposed employment allocation (Ref. Site P2) is located within the Parish Boundary of Oxspring. This can be considered evidence that BMBC already accepts the inextricable links between the two settlements and Oxspring's ability to accommodate future development.
- 3.34 Walton and Co (Planning Lawyers of our client) have also presented factual and comprehensive evidence to BMBC which identifies that the proposed housing allocations in Penistone will not deliver the number of homes identified and that there are no better, or more suitable, sites in the area to make up this shortfall than the Oxspring Fields site, given the relationship of Oxspring to Penistone and the number of benefits that YLL's proposals can deliver. This document is enclosed with these representations.
- 3.35 Furthermore, the development of the Oxspring Fields site which is located on less sensitive ground within the River Don Valley will have less of an impact on the character of the local landscape and the Green Belt than the presently designated safeguarded land sites located in Penistone, Oxspring, Thurlstone and Thurgoland. Of particular note is the fact that the proposed Oxspring Fields site has defensible boundaries on all sides and development in this location will importantly maintain the historical pattern of linear development of Oxspring between the Trans Pennine Trail and the B6462 Sheffield Road.
- 3.36 The development of the majority of the proposed draft housing and safeguarded land allocations in Penistone, especially those located to the south in and around Cubley, will only serve to exacerbate the existing highways issues of the town and this could lead to a large increase of traffic utilising the country lanes around the parishes of Hunshelf and Oxspring, in an attempt to bypass the congestion. However, Oxspring Parish Council have already highlighted in their representations to BMBC regarding the Local Development Framework 2012 and the Draft Local Plan (dated 14 October 2012 and 10 January 2015 respectively) how these narrow

country lanes are already running to capacity. In contrast the Oxspring Fields development site is situated on the Eastern edge of the Oxspring and is served directly from the B6462 Sheffield Road, with one or two points of access being easily achievable. To the south east the B6462 leads to the A629 Halifax Road at a priority junction. From here work-related trips to and from places such as Barnsley, Sheffield, Leeds and Huddersfield can access the wider highway network without the need to utilise narrow country lanes or travel directly through Oxspring

- 3.37 Finally, and notwithstanding the above, the Oxspring Fields development proposals wholly comply with the Council's Spatial Strategy as identified in Paragraph 5.61 of the Draft Barnsley Local Plan which identifies that in the identified Villages *"development will be supported where it is necessary for the viability of the settlement and to meet local needs"*.

Barnsley Economic & Housing Strategies

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

issue that requires tackling to solve the economic issues of the Borough is the *“inadequate supply of appropriate development sites and executive housing”*.

- 3.43 BMBC's Housing Strategy for the period 2014-2033 reiterates the key messages of the adopted Economic Strategy. It again identifies the key objective of increasing the number of larger (4 and 5 bed) family/higher value homes across the Borough and specifically identifies the objective of delivering *“c.2500 larger family/higher value homes”* in the strategy period.
- 3.44 In respect of the type of new homes required, the Barnsley Strategic Housing Market Assessment (SHMA) (November 2014) again acknowledges that a provision of executive dwellings is needed to support economic growth and to address social imbalances by pulling higher income earners into Barnsley. Indeed the SHMA states that a challenge for the Borough *‘must be to provide more large houses in the better areas of Barnsley MB to retain, and also attract, mid-upper income households.’*
- 3.45 The SHMA also states that executive housing provision will have a role in responding to *“the need for diversification and expansion of the sub-regional economy and in contributing towards achieving wider population and economic growth objectives for the Region”*.
- 3.46 The SHMA identifies that in terms of locations for “executive” family housing it was agreed by all of the housing developers consulted as part of the SHMA's preparation that the western area of the Borough would *“provide more favourable locations for executive type housing giving good access to the motorway network, Leeds and Sheffield”*. The SHMA goes further to state that *“none of the developers consulted were currently developing executive housing in Barnsley citing the tough market conditions, access to finance/mortgages and general economic climate as the main reasons”*. Finally, the SHMA states that it was felt by the developers consulted that any significant development of executive housing in Barnsley would need to coincide with an improvement in the local economy.
- 3.47 The SHMA concludes that there is a short fall of all property types in the Borough, but specifically in detached executive family house types. It concludes that future development should focus on addressing identified shortfalls to reflect household aspirations by delivering a house type mix that should take account of the identified imbalances.
- 3.48 Further evidence of the need to increase the provision of executive family homes in the Borough is set out within a cabinet report of BMBC's Executive Director of Development Environment and Culture, dated 4th July 2012 (CAB.4.6.2012/8), in which BMBC identify a need for low density dwellings in the top bracket of the housing market and confirm an aspiration to deliver 1200 low density high value dwellings. Importantly, the BMBC also recognise in this report the

need to provide a mix of executive housing in differing price brackets, in order to take account of the need for a range of executive housing to cater for those in managerial positions of differing levels. Despite this recognition, it is apparent that BMBC have not currently sought to address these matters as part of its Local Plan and the associated housing site identification process.

- 3.49 The delivery of detached/executive family homes comes hand in hand with the identification of housing sites in areas of strong housing demand. Simply put, developers will not wish to deliver a product in an area where it won't sell.
- 3.50 Whilst we acknowledge and support BMBC's aim of seeking to encourage development in areas of low demand in order to deliver regeneration benefits, in order for this approach to work it should be taken in combination with ensuring that the right amount and type of housing is delivered in the Borough's stronger housing market areas in the Western District of the Borough.
- 3.51 Such an approach is essential if BMBC are to ensure the delivery of the Borough's identified housing requirements which will demand the need to deliver between 30 and 40 individual housing outlets a year. On the basis of the sites identified through the emerging Barnsley Local Plan process we are concerned that insufficient demand will be generated by developers to ensure the delivery of the required number of housing outlets per year.
- 3.52 We consider that the delivery of circa 100 to 150 market and affordable homes within the Oxspring Fields development proposals will undoubtedly meet the identified economic and housing strategies of BMBC. Which is a further factor that should be taken into account in future versions of the Barnsley Local Plan.

Conclusions

- 3.53 When considered together we believe that the above factors provide a compelling case for amendments to be made to the emerging Barnsley Local Plan to enable the delivery of additional housing development in Oxspring in order to satisfy needs and aspirations of the Parish Council and additionally the housing and economic strategies of BMBC
- 3.54 In consideration of the matters raised above we are profoundly concerned that the work that has currently taken place on the Draft ONP will be rendered abortive if the policies of the emerging Barnsley Local Plan are amended in the manner that we are seeking and believe are justified. It must be noted that YLL will not be the only party seeking amendments to BMBC's emerging planning policies in respect of the delivery of new homes within Villages. We feel that we must inform you that all of our concerns will be presented to the Local Plan Inspector by our appointed QC during the Examination in Public where they will undoubtedly come under detailed scrutiny.

3.55 Notwithstanding the above, as set out by YLL in detail previously and again within the proceeding sections of these representations, the policies contained within the Draft ONP are required to be amended in order to meet national planning guidance in respect of deliverability, whether the policies within the Barnsley Local Plan remain unchanged or not.

3.56 In addition, should the Barnsley Local Plan be amended to include Oxspring as a Village capable of contributing towards the housing requirements identified for the Principal Town of Penistone given the inextricable and historical links between the two settlements then the policies contained within the Draft ONP would again require amendment to ensure compliance with such a policy change. As identified in paragraphs 3.30 and 3.31 above, paragraph 4.12 on Page 22 of the adopted Western Rural Area UDP confirms that:-

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

And

“If in the long term, there is a need to release further land for housing then there is the scope to accommodate additional development...”

3.57 It is therefore clear that unless the ONPG and OPC recognise that the Oxspring Fields proposals are the only deliverable and viable way in which the identified housing needs and community infrastructure aspirations of the Parish can be met (in which case, in accordance with Paragraph 184 of the NPPF, the Draft ONP would be considered to accord with national planning guidance), we contend that further work on the ONP should be halted until the adoption of the Barnsley Local Plan, as progressing with the ONP now may render any work abortive and could needlessly waste a further significant amount of public funds.

4.0 OXSPRING FIELDS DEVELOPMENT PROPOSALS

- 4.1 This section of the representation provides full details in respect of YLL's Oxspring Fields development proposals. It is considered prudent to set out the full content of YLL's proposals at this stage of the representations as the comments made throughout the proceeding sections of the representations all relate back to the content of the Oxspring Fields development proposals.
- 4.2 The Oxspring Fields development proposals represent exceptional and unique planning considerations. The Oxspring Neighbourhood Plan preparation process has identified a number of community infrastructure aspirations which seek to retain and enhance the vitality of the Village. The Oxspring Fields development proposals will deliver many of these identified aspirations and more.
- 4.3 As identified above, the independent URS Study identifies a need for up to 68 new market and affordable homes to serve the needs of the parish until the year 2026, a figure that can now reasonably be increased to 96 homes take account of the additional seven years of development plan period which are not accounted for in the URS Study. The Oxspring Fields development can deliver the identified housing needs of the Village, however, with the delivery of an additional 50 to 80 homes (a total of 150 homes) of which 38 (25%) will be affordable, the proposals can also viably provide other identified key needs and aspirations of the Parish.
- 4.4 The delivery of new homes at the site is strongly supported by David Wilson Homes and will provide the opportunity to meet the identified local housing needs of the area whilst also assisting BMBC in the successful delivery of its Economic and Housing objectives which as described in the preceding section above, recognise the need to construct Executive/Large Family homes in locations attractive to the housing market (for both prospective developers and purchasers) within the Western Part of the Borough.
- 4.5 The delivery of new homes at the Oxspring Fields site will provide, at no cost to the public purse, the funding required to deliver significant new recreational facilities for Oxspring (including a comprehensive sports pavilion/community facility for which OPC held planning permission for over 8 years and despite their best efforts at fundraising simply cannot develop without significant private funding); the creation of a new country park (including a Trim Trail, Informal Sport and Picnic areas); a tourism hub located adjacent to the Trans Pennine Trail in the South Eastern corner of the country park to enhance the tourism offer of the area in accordance with the Tourism and Visitor Economy section of the Draft ONP; access to private land and riverside walks in the form of the 'Oxspring Rocher Valley; and the provision of new pedestrian/cycle access points (including disabled access) to the Trans Pennine Trail from the primary school, existing village Sports Field and the proposed Tourism Hub to further enhance

the accessibility of the proposed new community facilities to local residents and crucially increase the safety of Oxspring Primary School pupils who currently have to walk along the busy B6462 Sheffield Road to access the Sports Field. Importantly, these facilities will significantly contribute to delivering both OPC's and Penistone Town Council's aspirations to enhance the tourism economy of the area, whilst also meeting BMBC's key objectives to encourage the public to maintain a healthy and active lifestyle.

4.6 The proposed development will also contribute to the delivery of £500,000 funding and land required for the construction of the much desired and long overdue Strategic Public Transport Interchange adjoining Penistone Railway Station. The delivery of this facility will create wide ranging accessibility to the area, providing commuter and tourism benefits to Penistone and Western Rural area of the Borough. The new facility will also further enhance the inextricable relationship between Oxspring and Penistone. The facility will be a 7 minute cycle commute from Oxspring along the Trans Pennine Trail, thus further enhancing the accessibility, tourism and recreational linkages of the two settlements.

4.7 An illustrative masterplan of the proposed Oxspring Fields development proposals is identified below:-



- 4.8 Finally, the Oxspring Fields development proposals provide the opportunity for Oxspring Parish Council and Hunshelf Parish Council to jointly receive 25% of any Community Infrastructure Levy payments that the development is required to pay to Barnsley Metropolitan Borough Council. YLL currently estimate this payment be a potential total figure of £2,000,000 (two million pounds) and thus the Parish Councils could stand to receive £500k from any future Community Infrastructure Levy payments from the development.
- 4.9 The proposed Oxspring Fields development represents a sound, robust and deliverable alternative development to the proposed safeguarded land designation “SAF18”, which measures 5.1 Ha in size and has the capacity to deliver up to 150 homes, which would need to be served from two new access points (North and South) onto Roughbitchworth Lane. The site is currently proposed to be retained as safeguarded land in the Barnsley Local Plan. OPC has previously made written representations to BMBC objecting strongly to the development of the site (SAF 18) for housing, citing a number of concerns, including an increase in traffic using narrow country lanes and also surface water drainage/flooding issues. Finally, and importantly, the significant role which site SAF 18 plays in the landscape certifies that it meets a number of the five Green Belt purposes as prescribed by the NPPF. In view of this, we believe that BMBC are in a defensible position to re-designate safeguarded site SAF 18 as Green Belt and in turn remove the Oxspring Fields site from the Green Belt. This method would result in no significant loss of Green Belt land within vicinity of the Village whilst enabling the delivery of the identified housing needs of Oxspring up to the end of the plan period in 2033 and the myriad of community benefits listed above. Indeed, OPC has specifically asked BMBC to re-designate Safeguarded Site SAF 18 as Green Belt, in their representation to the Draft Barnsley Local Plan, dated 10 January 2015.
- 4.10 We believe that the Oxspring Fields proposals provide an unprecedented opportunity for residents of both Oxspring and Penistone. Land, owned privately by YLL is being offered to provide substantial community benefits that will greatly enhance the sustainable development of Oxspring and the wider Western part of the Borough. If the Oxspring Fields site is not delivered, Oxspring, Penistone and the Western part of the Borough will miss out on the number of substantial benefits identified above.
- 4.11 Whilst OPC are presently of the view that the Oxspring Fields site cannot be considered for development within the Neighbourhood Plan because the draft Barnsley Local Plan seeks to retain the site within the Green Belt, this cannot be considered to be a valid reason to constrain the development of the site and the delivery of the Village’s identified needs and aspirations. Sufficient justification has previously been provided by YLL, and BMBC’s own evidence, to demonstrate that the Oxspring Fields site does not meet any of the NPPF’s five Green Belt purposes; that the site will not have an adverse impact on the character of the local landscape; and in addition that the site is considered to be a ‘category 1’ deliverable residential

development site in the Barnsley Strategic Housing Land Availability Assessment, a key evidence base document undertaken by Peter Brett Associates on behalf of BMBC.

- 4.12 In respect of the final point made in the preceding paragraph, the Council's own assessment of the Oxspring Fields site (Ref 681) within the Barnsley Strategic Housing Land Availability Assessment identified the site as representing a Category 1 'deliverable' residential development site. It specifically identified that it performed well against suitability, availability and achievability criteria. Importantly the SHLAA also stated that the development of the site provides the potential to deliver much needed low-density housing. A direct response to BMBC's own identified economic and housing strategy aspirations. As set out above the existing Safeguarded Land designation at Roughbitchworth Lane was assessed as a Category 2 site on account of deliverability issues, including impact on landscape character, and thus less 'deliverable' for residential development than the Oxspring Field site.
- 4.13 Importantly, BMBC have confirmed within the emerging Barnsley Local Plan that it cannot meet its housing requirements without utilising land currently within the Green Belt.
- 4.14 Accordingly, the ONPG and OPC can support, promote and even request the release of the Oxspring Fields site on account of its ability to deliver identified needs and aspirations of both the Village and the wider Borough, especially when there is no other available mechanism to do so.
- 4.15 As identified above, Paragraph 184 of the NPPF states that Neighbourhood Plans should not promote less development than set out in the Local Plan, however, they can promote alternative allocations/designations or more development where proposals are considered to achieve the principles of sustainable development. We consider that the development of the Oxspring Fields site will enable the delivery of the NPPF's sustainable development objectives through the delivery of mutual enhancements to the economic, social and environmental characteristics of Oxspring, Penistone and the wider Barnsley Borough as a whole.
- 4.16 Both the ONPG and OPC have repeatedly stated that the Oxspring Fields site is not located within the Oxspring Parish Boundary but rather the adjoining Parish of Hunshelf and that the site cannot therefore form a part of the ONP. However, In February 2015, an application to extend the Neighbourhood Plan boundary was submitted to BMBC (without prior notifying our YLL of their intentions) to include the field situated directly adjacent to the Parish sports ground on the South Western Edge of the village. This field forms 3.17Ha (7.83 acres) or approximately half of our client's Oxspring Fields housing site but, most interestingly, is also located within the adjacent Parish of Hunshelf. The proposed Boundary extension was subsequently approved by BMBC on 20 May 2015, following a consultation period in which

time we submitted a comprehensive representation to request the Neighbourhood Plan Boundary was increased further to include the full area of the Oxspring Fields site .

4.17 By extending the Neighbourhood Plan boundary again to incorporate the whole of the Oxspring Fields development proposals, the Neighbourhood Plan will comply with the guidance presented in the National Planning Practice Guidance Paragraph 033 Ref ID 41-033-20140306, as the extension would be well related to:-

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

4.18 There is no legislation preventing cross parish boundary development and in any event, there is nothing preventing Oxspring Parish Council/Oxspring Neighbourhood Plan or local Residents from writing to BMBC to inform them that they welcome development on the Oxspring Fields site in preference to the Safeguarded Land Site located North and South of Roughbitchworth Lane for all of the reasons identified in this representation and in previous correspondence.

4.19 The inclusion of the whole Oxspring Fields site within the Neighbourhood Plan Boundary would not be inappropriate, indeed Oxspring is a linear settlement contained between the Trans Pennine Trail and the River Don; a point already recognised by the Neighbourhood Plan Group on their website. It is therefore unquestionable that the Oxspring Fields site relates more to the Parish of Oxspring than to the Parish of Hunshelf. The Proposed Oxspring Fields Site directly adjoins Oxspring Sports Field and is in very close proximity to the 'Waggon and Horses' Public House, which forms the historical centre and heart of the village. In contrast, Green Moor which is home to Hunshelf Parish Council is located 3.25 miles away by road. It is therefore evident that the Oxspring Fields site relates far more to Oxspring than it does to Green Moor.

- 4.20 The development of the Oxspring Fields Proposals will therefore help to rebalance the parish, placing the key community facilities, including the sports ground and proposed community building, the Waggon and Horses public house, the post office and general store, the primary school and Saint Aidans church and community hall, at the Village's centre.
- 4.21 As identified above, 3.17 ha (7.83 acres) or approximately half of the proposed Oxspring Fields housing site is already included within the Adopted Oxspring Neighbourhood Plan Boundary. This area is capable of delivering circa 100 homes to meet the identified housing needs of the Oxspring.
- 4.22 Within their recent Local Plan Additional Consultation Document (October 2015), BMBC have proposed to re-designate a safeguarded land site located elsewhere in the Borough as Green Belt. Providing evidence that such a mechanism is available and can be utilised in respect of the Safeguarded Land North and South of Roughbitchworth Lane, Oxspring, where OPC have already requested that BMBC return the site to Green Belt allocation. YLL's proposal is simply to seek the allocation of its Oxspring Fields in place of the Safeguarded Land site SAF 18 to ensure the delivery of Oxspring's independently assessed housing needs and community aspirations. Given the Oxspring Fields site has minimal impact on the Green Belt and local infrastructure (roads/drainage); and its development will deliver an unprecedented number of community benefits to the local area, we consider our approach to be sensible and in accordance with relevant planning guidance.
- 4.23 We therefore believe that BMBC are in a defensible position to re-designate the existing Safeguarded Land Site SAF 18 as Green Belt, given that it meets a number of Green Belt functions, and in turn remove the Oxspring Fields site from the Green Belt and allocate it for housing development. The key reasons being as follows:-
- Local residents and Oxspring Parish Council have historically objected to the development of Site SAF18 for housing citing highways, drainage and availability issues.
 - BMBC have the ability to remove as well as re-designate land within the Green Belt.
 - The UDP identifies the historical settlement linkages between Penistone and Oxspring, and Oxspring's capacity to accommodate growth as a result.
 - The Draft Barnsley Local Plan identifies the need to release land from the Green Belt to meet the Borough's housing needs and proposes both safeguarded land designations and employment land allocations in the Parish of Oxspring, which recognises the settlement's capacity to accommodate future development.
 - The Green Belt Review, which doesn't include a full or specific assessment of Site SAF18, identifies that the retention of Site SAF18 as Safeguarded Land would weaken the integrity of the Green Belt on account of a lack of defensible boundaries and openness of the area immediately surrounding the site. A position that is entirely the opposite to that of our client's proposed development at Oxspring Fields where Arup identify that the Trans

Pennine Trail within a disused railway (the southern boundary of the Oxspring Fields site) could represent a strong internal boundary.

- The SHLAA identifies Site SAF18 as a Category 2 housing site on account of identified deliverability issues, including impact on landscape character. The Oxspring Fields site is identified as a Category 1 'deliverable' housing site due to there being no suitability, availability and achievability concerns.
- Further assessment work undertaken by YLL's Landscape Consultants which has previously been submitted to OPC and BMBC has identified that the Oxspring Fields development proposals perform better than Site SAF18 against a number of environmental concerns including the historic settlement pattern, landscape character and ecology.
- A Flood and Drainage report undertaken by 'Topping Engineers' has identified that site SAF 18 has a number of drainage issues which represent a significant risk to the deliverability and viability of the site for housing development. YLL reserve the right to supplement further information in this regard within 14 days of the submission of this representation.

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

4.25 The proceeding sections of this representation respond's directly to the content of the Draft ONP utilising the sound planning case which we have presented within Sections 2, 3 & 4 of these representations.

5.0 VISIONS AND OBJECTIVES

- 5.1 This section of the representation provides our client's response to the Visions & Objectives identified within the Draft ONP.

Draft Vision

- 5.2 In respect of the Draft Vision, our client supports the desire to maintain the character of Oxspring whilst seeking to deliver infrastructure to provide 21st century living. This is exactly what their Oxspring Fields development proposals can deliver.
- 5.3 However, it will be made clear in the proceeding sections of these representations that the Draft Vision it simply not deliverable unless significant changes are made to the Draft ONP. The Draft ONP does not seek to enable the type of development that will facilitate the delivery of the required and aspired new infrastructure within the Parish.
- 5.4 The only proposed major development within the adopted ONP Boundary the employment site "P2 Land North of Sheffield Road" which is proposed within the emerging Barnsley Local Plan. Whilst this will be an important development that can enhance an already sustainable Village the development will not viably be able to deliver funding to facilitate the delivery of the Draft ONP's identified aspirations. CIL monies generated from the development will also be insufficient to deliver the funding needed.
- 5.5 The only type of development in the current economic conditions that can reliably provide the necessary funding to deliver the Draft ONP's identified vision and aspirations is new housing development of a sufficient size. Not only can this provide sufficient financial contributions to enable the delivery of the Draft ONP's identified vision, but it will also importantly deliver the identified housing needs of the Parish.
- 5.6 Therefore, in order for the Draft Vision to be considered deliverable significant amendments needs to be made to the Draft ONP to enable the delivery of larger housing developments to those currently proposed. As identified in the previous sections of this representation the only potential housing site within the vicinity of the Village which is deliverable, which can deliver all of the Village's identified housing needs and can provide both the land and funding to facilitate the Draft ONP's aspirations, is our client's development proposals at Oxspring Fields.

Draft Objectives

- 5.7 In a similar vein to our comments in respect of the Draft Vision, our client supports the identified Draft Objectives of the document, however, it is clear that the identified objectives are simply not deliverable unless the Draft ONP is amended to include YLL's Oxspring Fields development proposals.

- 5.8 In respect of supporting the provision of fair and accessible housing for local needs and local people, in its current form the Draft ONP will not enable the delivery of this objective. As identified in Sections 3 and 4 above, the only deliverable housing site which will ensure the housing needs and community aspirations of Oxspring are met is our client's land at Oxspring Fields. To reach this conclusion we undertook a deliverability assessment of all potential housing sites in the Parish, including potential housing sites which are located within the Green Belt. This assessment also included a full appraisal of the Safeguarded Land designation at Roughbitchworth Lane which is clearly undeliverable for housing in its own right and cannot be considered to be as favourable in planning terms as our client's land at Oxspring Fields for the reasons we have set out in the preceding sections of this representation.
- 5.9 On account of the current approach of the Draft ONP the only way in which new homes will be delivered in the Village is through the redevelopment of any existing Non-Green Belt Windfall housing plots within the Village, providing a net increase of circa 1 or 2 new homes per development. Evidently, this will not enable the delivery of new affordable housing on account of BMBC's current and emerging planning policy guidance which places a threshold for the delivery of affordable housing at 15 new homes or greater. Again, the only suitable housing site within the vicinity of the Village which is both deliverable and of a sufficient size to deliver affordable homes is our client's Oxspring Fields development site. Currently, about half or 3.17 Hectares (7.83 Acres) of the Oxspring Fields housing site is included within the Draft ONP, and this area could accommodate circa 100 new market and affordable homes to meet the housing needs of Oxspring.
- 5.10 Finally, the ONP objective makes specific reference to providing housing to meet local needs. As stated above the URS Study identifies the need to deliver up to 68 new homes within the Village up to 2026; this figure can reasonably be increased proportionately to 96 homes up to 2033 to align with the emerging Barnsley Local Plan's timescales and account for these even additional years of plan period that are totally unaccounted for in the URS Study. We ask how the identified housing needs of Oxspring will be met when both the emerging Barnsley Local Plan and the Draft ONP do not identify any potential housing sites on which these required new homes can be delivered. Within each of our written correspondence to OPC, the ONPG and Kirkwells we have identified the planning policy mechanisms that can be used to work with BMBC to influence the delivery of new homes at the Oxspring Fields site via its release from the Green Belt; it is however apparent that this correspondence has been totally ignored.
- 5.11 Within the Draft ONP there is reference to the Village's identified housing needs being met through the delivery of new homes in Penistone. We consider this to be quite a preposterous notion that, if anything, only strengthens the case that Oxspring is inextricably linked with Penistone and thus should be attached with Penistone in respect of the settlement hierarchy in the emerging Barnsley Local Plan. Not only does Penistone have its own identified housing needs to meet, but the concept of forcing those in housing need who presently live with family

in Oxspring and are seeking homes of their own; who currently live outside of the area and wish to move to Oxspring like others have before them; or those who have left the Village and wish to move back: to reside in another settlement away from their families and friends is socially unethical. Especially when there are planning mechanisms available to OPC and ONPG which will allow the release of a deliverable housing site that has a minimal impact on the character of the Village and the Local Landscape and which will deliver a myriad of long desired and otherwise undeliverable community benefits. This is of course our client's site at Oxspring Fields.

- 5.12 As a consequence of the points we raise above, the Draft ONP does not support the provision of fair and accessible housing for local needs and local people.
- 5.13 The Draft ONP will also not deliver improved community leisure, sports and recreation facilities. It can support their delivery through the inclusion of written policies within the document, but it will not enable their delivery in reality as the document does not promote or allow the level of new housing development needed to provide the required funding. Setting aside the delivery of affordable homes to serve the needs of the Parish, the level of funding needed to deliver the aspirations of the Draft ONP is in excess of £1m (one million pounds). Such monies will not be delivered through CIL when currently the only potential development that can contribute to this is the employment site "P2 Land North of Sheffield Road". As we have stated on a number of occasions the only way in which the identified objectives of the Draft ONP will be facilitated is through the delivery of YLL's Oxspring Fields development proposals. Which will deliver both land and funding required.
- 5.14 As identified in Section 4 above YLL's Oxspring Fields development proposals will help to nurture the rural environment through the enhancement of the Village's recreational facilities in relation to the delivery of a new Sport/Community Pavilion; providing access to riverside walkways; the provision of three new access points onto the Trans Pennine Trail from Oxspring Primary school, the existing Parish Sports Fields and at the proposed Tourism Hub, and the delivery of a significant new country park. The Green Belt and landscape character of the Village will be preserved through the re-designation of the Safeguarded Land designation on Roughbitchworth Lane as Green Belt land ultimately meaning that there will be no significant loss of Green Belt land in the Oxspring. Compared to the Oxspring Fields site, the existing Safeguarded Land site clearly performs better against identified Green Belt purposes and is not in keeping the historical built form and character of the Village. In this regard, any development of the SAF 18 site will contradict the historical linear pattern of development in Oxspring between the Trans Pennine Trail and the B6462 Sheffield road and begin coalescence between Oxspring and the adjacent hamlet of Roughbitchworth.
- 5.15 Our client supports the objective of promoting sustainable development, this aim is at the very heart of their Oxspring Fields proposals. We have previously set out in detail the sustainability

credentials of Oxspring. Credentials which have also previously been recognised by a Government appointed Planning Inspector at the time of the last development plan review and by OPC within the Draft ONP. The Oxspring Fields proposals will enhance the sustainability of the settlement through the delivery of additional community facilities, improvements to pedestrian/cycle access and of course through the delivery of Oxspring's own identified housing needs. The delivery of new homes in particular will help sustain and revitalise existing services and facilities through increased expenditure of new residents, it will deliver employment opportunities and importantly it will provide new pupils from the locality to attend the Local Parish Primary School. Both safeguarding the school's future and also improving the sustainability of the Village through reducing traffic movements from pupils who currently attend the school from outside of the area.

- 5.16 Finally, our client supports the identified objective of diversifying and growing the rural economy. As identified in Section 4 above the Oxspring Fields development proposals include the provision of a new tourism facility adjoining the Trans Pennine Trail that intends to make Oxspring a "green hub" of pedestrian, equestrian and cycle journeys along its routes. Such facilities to be provided will include new and increased accessibility to the Trans Pennine Trail (including a dedicated disabled access), the provision of a cycle hire/shop, a café, small craft workshops/business units, Horse tie-up points, drinkers and a shelter and additional car parking facilities to the south eastern corner of the country park. All of which will aid and enhance the tourism offer of the area. Such measures are viable, realistically attainable and YLL wish to work with the local community towards their delivery.
- 5.17 In conclusion, whilst YLL support the identified Visions and Objectives of the Draft ONP it is clear that they are not currently deliverable without the delivery of new housing at the Oxspring Field's site. It will be made clear in the proceeding sections of these representations that the Draft ONP never identifies how the proposed visions, objectives and policies will actually be achieved in the ONP period to 2033. As a consequence they will remain as mere words and theoretical concepts on a page rather than tangible facilities that the local community can use and enjoy, unless significant changes are made to the document prior to its adoption.
- 5.18 The only way in which the identified aspirations of the Draft ONP can truly become reality is through the release of YLL's Oxspring Fields development proposals which will deliver both the land and funding required.

6.0 INTRODUCTION & BACKGROUND

- 6.1 This section of the representations respond to Section 2 of the Draft ONP.
- 6.2 Within Paragraph 2.5 the Draft ONP identifies the process in which the proposed boundary of the ONP was extended. Whilst we wish to make it clear that our clients were not consulted in respect of the proposed extension of the boundary onto their land which forms a part (3.17Ha or 7.83 Acres) of the Oxspring Fields housing site, more importantly, this paragraph provides evidence of how the boundary was extended once and can be extended again to include the whole YLL's Oxspring Fields development proposals which will deliver significant benefits for both Oxspring and Hunshelf parishes.
- 6.3 Within Paragraph 2.6 the Draft ONP references the URS Study and then makes the specific point that *"Housing need will be met predominantly in Penistone: only small infill and windfall sites will come forward in Oxspring. This is because Penistone is considered to be a more sustainable settlement with a range of services and facilities"*. Our client strongly objects to this statement. At no point within the URS Study does it identify that the housing needs of Oxspring should or will be met within Penistone. We consider this statement to be misleading to the public and not based on sound planning merits. In fact, the statement only aids in strengthening the case that Oxspring is inextricably linked with Penistone and thus should be attached with the Penistone Community Area in respect of the settlement hierarchy in the emerging Barnsley Local Plan.
- 6.4 As set out above, not only does Penistone have its own identified housing needs to meet, but the concept of forcing those in housing need who presently live with family in Oxspring and are seeking homes of their own; who currently live outside of the area and desire to move to Oxspring like others have before them; or perhaps those who have left the Village and wish to move back to Oxspring: to reside in another settlement away from their families and friends is socially unethical. Especially when there are planning mechanisms available which OPC and ONPG can influence to enable the release of a deliverable housing site which will have a minimal impact on the character of the Village and which will deliver the myriad of long desired community benefits identified within the Draft ONP. This is of course our client's site at Oxspring Fields
- 6.5 With specific reference to the statement that *"Penistone is considered to be a more sustainable settlement with a range of services and facilities"* whilst this is correct, the statement fails to point out or give proper consideration to the sustainability of Oxspring itself. The sustainability credentials of Oxspring have previously been recognised by a Senior Government appointed Planning Inspector at the time of the last development plan review and also by OPC within the Draft ONP, which we will discuss in the proceeding sections of the report. It is beyond doubt

that Oxspring has a sufficient level of existing services, facilities and infrastructure to cater for the delivery of its own identified housing needs. Particularly when you consider that the only deliverable housing site that can meet the Village's identified housing needs is YLL's Oxspring Fields site, which will also substantially enhance the sustainability credentials of the Village.

6.6 With regard to Paragraph 2.9 our client supports the removal of the proposal for the demolition and redevelopment of the Primary School. We set out the following points in our previous representations with regards to this proposal:-

- There is no identified need for the expansion of the school on the basis of the School's anticipated admissions and capacity figures;
- The redevelopment of the site would involve the demolition of one of the Village's remaining buildings of character;
- Without the delivery of new homes in the Village the School's capacity will be taken by pupils un-sustainably commuting from outside of the Parish;
- The development of a new school will cost over £2m pounds in addition to the cost of purchasing suitable land, and no funding is available for such a facility without private investment which is highly unlikely to be forthcoming ;
- The Oxspring Fields development proposals can deliver sufficient pupils to sustain the school's capacity from pupils living in the Parish which is a more sustainable option; and
- The Oxspring Fields development proposals will deliver funding that can be used to enhance the existing schools on-site and off-site facilities.

6.7 However, we object to the removal of the provision of riverside access paths on grounds that the proposal is undeliverable, when such a proposal will be delivered through YLL's Oxspring Fields development proposals. Whilst we acknowledge the acceptance that such a proposal is undeliverable without YLL's Oxspring Fields development proposals, we do not believe that this should be a reason to abandon a "highly aspirational" and long desired community facility when it can be delivered if OPC and ONPG work together with YLL to influence the allocation of the Oxspring Fields site in the manner described in these representations.

6.8 Paragraph 2.12 of Section 2 of the Draft ONP provides further weight to our argument that unless significant amendments are made to the document we consider that any progression prior to the adoption of the Barnsley Local Plan will be rendered largely abortive. The paragraph provides evidence that OPC and ONPG accepts that the document may need to be amended following the adoption of the Barnsley Local Plan and commits to a future review following the adoption of the Barnsley Local Plan. However, should the policies contained within the Local Plan change significantly upon its examination after the adoption of the ONP, then the policies within the ONP may require substantial rewriting upon its review. This would require further public funding and resources which OPC and the ONPG may not be able to obtain, thereby rendering the whole ONP document a waste of time and money.

- 6.9 As stated in Section 2 of these representations YLL has profound concerns over the soundness of the emerging Barnsley Local Plan. They believe that the policies identified within the current draft Barnsley Local Plan, associated with the delivery of new homes and the evidence base that underpins it (such as the Green Belt Review), do not conform to national planning policy guidance.
- 6.10 With regard to the Neighbourhood Plan Basic Conditions we are therefore concerned that the policies and objectives set out in the Draft ONP do not meet basic condition a) when assessed against national planning policy guidance and potentially condition e) should any amendments be made to the Barnsley Local Plan in respect of housing developments located within the Villages or more specifically in Oxspring.
- 6.11 As the Draft ONP recognises the risk associated with progressing ahead of the emerging Barnsley Local Plan we consider that future versions of the document should be amended in the manner being proposed by YLL or alternatively that work should be halted until the adoption of the Barnsley Local Plan to ensure that public time and resources aren't wasted.

7.0 PLANNING POLICY CONTEXT

- 7.1 This section of the representation responds to Section 3 of the Draft ONP and specifically in respect of Paragraph 3.5 which states that *“Neighbourhood plans have to be in “general conformity” with national and strategic local planning policies, and it is therefore important that as the plan is prepared, the emerging draft policies reflect this higher level planning framework”*.
- 7.2 There are two points which our client wishes to make in respect of the above paragraph. The first relates to the comment in respect of *“Neighbourhood Plans have to be in “general conformity” with national and strategic local planning policies”* and the second is in association with the point that this paragraph provides further evidence that the OPC and ONPG recognise the potential abortive nature of the work that has taken place so far and potentially in the future if the document is progressed ahead of the Barnsley Local Plan.
- 7.3 The second point is discussed in Section 2 and Section 6 of these representations above and isn't repeated again here.
- 7.4 With regard to the first point, Section 3 and Section 4 of these representations provide our client's argument in full. However, we reiterate that Paragraph 184 of the NPPF states that Neighbourhood Plans should not promote less development than set out in the Local Plan, however, they can promote alternative allocations/designations or more development where proposals are considered to achieve the principles of sustainable development. In addition, guidance presented within Paragraph 005 (Reference ID 41-005-20140306) of the National Planning Practice Guidance (NPPG) which specifically states that *“if the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable”*.
- 7.5 In order to ensure the delivery of the Draft ONP's identified visions, objectives and policies it is our clear view that the document should be amended to include and plan for the delivery of YLL's Oxspring Fields development proposals. We consider that the development of the Oxspring Fields site will enable the delivery of the NPPF's sustainable development objectives through the delivery of mutual enhancements to the economic, social and environmental characteristics of Oxspring, Penistone and the wider Barnsley Borough as a whole.
- 7.6 Through working closely with BMBC OPC and the ONPG can influence changes to the emerging Barnsley Local Plan (as described in Section 4 above) to ensure that the ONP will be in conformity with both national and strategic local planning policies in respect of the Green Belt.

8.0 A PORTRAIT OF OXSPRING PARISH

- 8.1 This section of the representation responds to Section 4 of the Draft ONP in which evidence is clearly provided to identify that Oxspring is a sustainable settlement. This section of the Draft ONP wholly contradicts the claim that the delivery of new homes in the settlement would be unsustainable.
- 8.2 Paragraph 4.1 identifies the proximity of the settlement to Penistone (1.5 miles), Barnsley (7 miles) and that the Parish is within commuting distance of Sheffield, Wakefield, Leeds and Manchester (all within 30 miles). In addition the paragraph identifies that Village contains some 497 household with a population of 1,225 people.
- 8.3 Paragraph 4.3 identifies that the settlement's historic character and form is linear and lying between the B6462 Sheffield Road and the Trans Pennine Trail. It also identifies the proximity of an existing employment site (Marrtree Business Park), which is located on the Village's north western boundary adjoining the built area of Penistone.
- 8.4 Of particular note Paragraph 4.3 identifies the number of existing services and facilities available within the Village. The paragraph also sets out the Village's "good accessibility to public transport", that there are direct local bus services to Penistone, Barnsley and Sheffield running on a regular basis, and that the nearest rail station is only a couple of miles away at Penistone, with direct, hourly services to Huddersfield, Barnsley, Meadowhall and Sheffield.
- 8.5 Paragraph 4.4 identifies the numerous opportunities for walking, cycling and enjoying the countryside on the Village's "doorstep", including a number of identified walks in the Parish promoted in a published booklet and on information boards.
- 8.6 Paragraph 4.5 identifies that the Village can be considered a relatively "affluent area" with a large proportion of residents in full time employment, with a proportion of managers, directors, senior officials and professionals above both the Barnsley and national average.
- 8.7 Finally, Paragraph 4.8 identifies that there are a range of local businesses providing employment opportunities within the Oxspring Parish area, including 17 farms, the Post Office, The Waggon and Horses and The Travellers public houses, Wintwire Ltd, DR Baling Ltd and 6 industrial units at Marrtree Business Park. We note that there is also significant employment provision at 'Wintwire' Industrial Estate which is situated on the floor of the river Don Valley at the site of the historical 'Winterbottom' Oxspring Wire Mill; this location also consists of 6 industrial units.

- 8.8 The section of the Draft ONP therefore provides unequivocal evidence that unlike all other villages situated within the Western Part of the Borough, Oxspring is unique in respect of both the availability of services and facilities and also its physical relationship with the adjoining the Principal Town of Penistone with which it is inextricably linked.
- 8.9 It is clear that Oxspring has a sufficient number of services and facilities to sustain additional housing development and this point is specifically recognised in the adopted Unitary Development Plan (Volume 13 'Western Rural Area' at paragraph 4.12):-
"Oxpring is one of the locations in the Western Community Area for additional development because of its physical relationship to the Penistone Urban Area and because it has the infrastructure capacity to accommodate some further development without serious detriment to the quality and character of the Green Belt."
- 8.10 Furthermore and importantly, the senior UDP Inspector Mr D A Harmston JP, FRICS, DipTP, MRTPI confirms in paragraph 13.4.219 on page 1201 of his Inspectors report:-
"I consider Oxspring is well located in the Community Area for additional housing development. This is particularly so in the light of its relationship to Penistone..."
- 8.11 In addition, this section of the Draft ONP also establishes the historical settlement form of the Village and provides further substantial evidence to support our planning case that the Oxspring Fields development proposals will conform with the existing and historical character of the settlement and additionally that the development of the existing Safeguarded Land designation at Roughbitchworth Lane would not be.
- 8.12 Finally, in respect of Paragraph 4.5 of the document, this provides clear evidence that the delivery of new homes to meet the needs of the Village will align to Barnsley's current adopted economic and housing strategies. The delivery of a proportion of high quality detached family homes at the site will encourage and retain managers, directors, senior officials and professionals to both the Village and the Borough. In addition, the existing employment demographic of the Village provides further confirmation of the strength of the housing market in the Western Rural area of the Borough, which accords with the findings of BMBC's numerous high level strategies and reports and provides further confidence that the delivery of housing developments of the right size to serve the needs of the Village will be deliverable and can also viably deliver new and much needed affordable homes, CIL monies and the number of other long desired community benefits included within the Oxspring Fields development proposals that are otherwise undeliverable.
- 8.13 Section 4 of the Draft ONP therefore provides substantial evidence to support both the sustainability of Oxspring and its ability to accommodate new housing development. YLL's Oxspring Fields development proposals will deliver both the housing needs of the Parish and the number of Community Benefits set out within the Draft ONP.

9.0 KEY PLANNING ISSUES

- 9.1 This section of the representation responds to Section 5 of the Draft ONP and identifies how there are planning mechanisms available to facilitate the release of YLL's Oxspring Fields development proposals and with it the delivery of the housing needs of the Parish and the Draft ONP's identified visions, objectives and policies.

Housing

- 9.2 The Draft ONP identifies in Paragraph 5.1.1 and 5.1.2 that the only policies of the adopted Core Strategy and emerging Barnsley Local Plan to which YLL's Oxspring Fields development proposals don't currently comply with are those associated with development within the Green Belt.
- 9.3 BMBC has already confirmed in the Draft Local Plan that the Borough's Housing and Employment Needs and Aspirations (which includes Oxspring) cannot be accommodated without the need to release land from the Green Belt. As identified in Sections 3 and 4 above, it is our view that the Oxspring Field site should be released from the Green Belt in exchange for the existing Safeguarded Land designation at Roughbitchworth Lane in order to endure the delivery of the identified needs and aspirations of the Parish and ensure that there is no significant net loss of Green Belt within the vicinity. We believe that if OPC and ONPG work with BMBC towards achieving this objective then suitable and required amendments can be made to both the ONP and the emerging Barnsley Local Plan to facilitate the delivery of the Oxspring Fields proposals. Particularly given that both the Draft ONP and emerging Barnsley Local Plan have only reached consultation draft stages and thus can be amended through the further progression of the documents before adoption.
- 9.4 Paragraph 5.1.3 identifies that to align to current and emerging local planning policy the ONP can only support small scale infill housing within the Village to meet local needs. As identified in Sections 4 and 5 above such an approach will not deliver the identified housing needs of the Village and this is the very reason why changes should be sought by OPC and the ONPG to the emerging Barnsley Local Plan. If the required changes are not made to emerging policies then the identified housing needs of the Village will not be met and nor will the other identified community infrastructure aspirations. It is as clear as that.
- 9.5 Paragraph 5.1.3 provides further evidence that the Draft ONP has been premeditated on the basis of the emerging Barnsley Local Plan, a document which we believe will be amended prior to its adoption, rendering any further progression of the Draft ONP in advance of its adoption abortive unless significant changes are made. A fact recognised in the Draft ONP by reference to a likely need to review the document in the future following the adoption of the Barnsley Local Plan.

- 9.6 Paragraph 5.1.4 identifies that the Draft ONP should seek to address the need for smaller houses suitable for older people and first time buyers, as identified in the URS Study. As identified above, unless substantial changes are made to the document the Draft ONP will not facilitate the delivery of the Village's identified housing needs as it will only enable the delivery of very small infill or redevelopment schemes. Such schemes will not deliver homes for older people, first time buyers or importantly affordable housing. They certainly won't deliver the 68 to 96 homes that the URS Study and we identify. The only deliverable housing site suitable to deliver the identified housing needs of Oxspring is YLL's Oxspring Fields site and thus to meet the Village's identified housing needs it is imperative that OPC and ONPG encourage BMBC to release the site from the Green Belt in exchange for the Safeguarded Land site at Roughbitchworth Lane which can be returned to the Green Belt.
- 9.7 It is apparent from paragraph 5.1.4 of the draft ONP that findings of the URS Study have not been totally discounted in the sense that certain needs identified have been 'cherry-picked' for inclusion within the ONP. In light of this, we question why the Draft ONP does not seek to address the overriding aim of the URS Study which was to identify the fair share of housing for Oxspring and states that there is a need for up to 68 new homes in the Parish until the year 2026, this increases to a need for circa 96 new homes when the extra seven years of the Local and ONP periods unaccounted for in the URS Study are included. The fact that no large scale housing allocations are currently proposed within Oxspring does not mean that there is no longer a requirement to deliver the identified housing needs of the Parish.

Sports & Leisure

- 9.8 Paragraph 5.4.1 of the Draft ONP identifies the poor condition of the existing basketball court and changing facilities associated with the playing fields on Sheffield Road. The paragraph identifies the need for the ONP to support possible future investment in the facilities. We have made clear in the preceding sections of these representations and in earlier comprehensive representations and correspondence that the only manner in which further investment can be provided to deliver new and enhanced facilities is through the Oxspring Fields development proposals. Accordingly, if the ONP is to truly support the delivery of new changing facilities within the Village then it needs to be amended to include YLL's Oxspring Fields development proposals.

Movement

- 9.9 Paragraph 5.5.1 of the Draft ONP identifies that access to the Trans Pennine Trail is difficult, *"particularly for those with limited mobility, those with pushchairs and wheelchair users and cyclists"*. Paragraph 5.5.3 again identifies the desire for enhanced riverside walks, but that such proposals are not deliverable due to funding and landowner support. Accordingly within

Paragraph 5.5.4 the Draft ONP seeks to focus on enhancing the accessibility of the Trans Pennine Trail and other existing Public Rights of Way.

- 9.10 As we have set out above YLL's development proposals include specific provision for the delivery of new access ramps to the Trans Pennine Trail which will significantly accessibility throughout the village. The funding generated from the Oxspring Fields proposals can be utilised to create new ramped accesses, the first leading from the existing school playground onto the Trans Pennine Trail (to include Security Gates and supervision shelter), the second from the Trans Pennine Trail leading directly onto the village recreation ground (which adjoins the Oxspring Fields Site) where it is envisaged that enhanced recreational and community facilities (including the proposed Community Building/Sport pavilion) will be situated. These enhanced facilities could also be utilised as extended educational facilities, particularly with regard to Physical Education. Finally, a third point of access will also provide a level dedicated disabled access to the Trans Pennine Trail from the site of the proposed 'Tourism Hub' to be constructed in the South East Corner of the new Country Park.
- 9.11 The estimated cost of the new ramped accesses is in excess of £250,000 and thus we would question how such proposals can be financed without the delivery of funding from new housing developments such as the Oxspring Field proposals.
- 9.12 With regard to the enhancement of riverside walkways, as identified above, we object to the removal of the enhancement of riverside access paths within the Draft ONP on grounds that the proposal is undeliverable, when such a proposal is proposed to be delivered through YLL's Oxspring Fields development proposals. Whilst we acknowledge the acceptance that such a proposal is undeliverable without YLL's development proposals, we do not believe that this should be a reason to abandon a "highly aspirational" and long awaited community facility when it can and will be delivered if OPC and ONPG work with YLL and BMBC in the manner described in these representations.

10.0 NEIGHBOURHOOD PLAN POLICIES

- 10.1 This section of the representation responds to Section 6 of the Draft ONP and identifies our clients concerns associated with the non-delivery of the Village's identified housing needs and community infrastructure aspirations of the Oxspring Fields development proposals are not included within the document.

Housing

- 10.2 Paragraph's 6.1.1 and 6.1.2 of the Draft ONP identify the need to deliver new homes for those with lower incomes, special needs and the elderly. As we have stated above, this proposed approach of the Draft ONP will not deliver the identified housing needs of the Village. Particularly affordable homes given the current Barnsley Core Strategy and emerging Barnsley Local Plan contain affordable housing policy whereby affordable housing must only be delivered on sites of 15 dwellings or more. The only housing developments that will take place if the current approach is maintained are small redevelopments or conversions which could deliver circa 1 or 2 net new homes; a size of development which falls below BMBC's affordable housing threshold and will therefore deliver no new affordable homes to help meet the identified housing needs of Oxspring.
- 10.3 With specific regard to Paragraph 6.1.2 of the Draft ONP there is no evidence that rural exception sites will come forward in the future. If such development schemes were viable propositions then they would have come forward in the last decade and they clearly have not. OPC and ONPG can therefore not rely on such development to deliver the affordable and general market housing needs of the Village.
- 10.4 On account of the proposed timescales of the Draft ONP it is extremely concerning that the Draft ONP's current approach to housing delivery means that the identified housing needs of the Village will not be met until after 2033 at the earliest. Which is 17 years from now.
- 10.5 Paragraph 6.1.3 makes reference to BMBC's belief that Oxspring is an unsustainable location for large housing developments because it lacks services and facilities, and has limited transport accessibility. We are concerned that OPC and/or the ONPG have not sought to contest this point given that it completely contradicts the evidence that is presented within Section 4 of the Draft ONP. We have identified our client's support for the evidence that is presented in Section 4 of the document and believe that this also aligns with the Government appointed Inspector's comments made at the Barnsley UDP inquiry as set out in paragraphs 8.9 and 8.10 above. In addition to the raft of firm evidence set out in BMBC's Adopted UDP, YLL instructed Pell Frischmann (recognised as one of the UK's leading firms of Consulting Engineers) to undertake a comprehensive 'Oxpring Fields Sustainability and Accessibility

Study' (which is enclosed with these representations). This was submitted to BMBC in January 2015 and concludes that Oxspring Fields development proposals are situated in a highly sustainable location given the accessibility of the site and its connectivity to a wide range of services and facilities. Oxspring is a unique settlement which is both inextricably linked to Penistone and its services and facilities, whilst also having a plethora of services and facilities of its own. We believe the evidence presented within the Draft ONP in respect of the Village's sustainability supports our argument for the release of the Oxspring Fields development site. Further evidence is available on the Parish website controlled by Oxspring Parish Council which shows that the village is both accessible and sustainable. Again, this information aligns with Section 4 of the Draft ONP.

- 10.6 As set out in section 8 above, it is clear that Oxspring has a sufficient number of services, facilities and infrastructure capacity to sustain additional housing development.
- 10.7 Paragraph 6.1.4 identifies that the long term viability of the Parish is compromised by the lack of affordable housing as many local people on lower incomes, including young people, find it difficult to afford housing within their own community where there are existing informal support networks linked to family and friends. It further identifies how sites of 15 dwellings or more are needed in order to ensure the delivery of affordable housing in accordance with existing and emerging local planning policy. The comments made in this statement completely align with the principles of YLL's Oxspring Fields development proposals, and the case we have presented in earlier sections of this report. The identified housing needs of Oxspring will simply not be met through the current proposed approach of the Draft ONP which proposes that the Housing Needs of Oxspring will be met predominantly in Penistone; and that small scale redevelopment/conversion sites; or rural exception schemes for between two and nine new houses will be supported. Once again, this amount of new development will fall below the requirement to deliver affordable housing whereby BMBC's affordable housing policy stipulates that only developments of 15 dwellings or more have to provide affordable housing units as part of the development housing mix.
- 10.8 Surely following a review of their own evidence base and comments presented within the Draft ONP, OPC and the ONPG will be able to clearly see that the only way in which the identified housing needs and Community aspirations of Oxspring are going to be met is through the development of YLL's Oxspring Fields proposals.
- 10.9 Paragraph 6.1.5 of the Draft ONP provides further evidence to support the planning merits of the Oxspring Fields development proposals. On account of the evidence presented in the URS Study, the paragraph identifies that housing growth is critical in order to cater for the identified needs of the local population. However, the paragraph also makes reference to a "small amount of housing". For the number of reasons identified above we contest this point on the simple

basis that such an approach will not deliver the identified housing needs of the Village over the next 17 years to 2033.

- 10.10 This statement yet again ignores the overall identified quantum of housing need established by the URS Study, but more importantly also ignores the role that OPC and ONPG can have on influencing BMBC to remove the Oxspring Fields site from the Green Belt in exchange for the Safeguarded Land designation at Roughbirchworth Lane which can be returned to the Green Belt. As identified above such a proposal will align with national planning guidance as the ONP has the ability to deliver more development than that proposed in the Local Plan.
- 10.11 For the reasons identified above and in the preceding sections of these representations YLL strongly object to Draft Policy OH1 of the Draft ONP as such an approach will clearly not lead to the delivery of the identified housing needs of Oxspring. Furthermore, the policy also contradicts itself where it identifies support for schemes of 0.4ha or less and for between two and nine houses, yet also acknowledges that much needed affordable homes will only be delivered on developments of 15 units or more.
- 10.12 In addition, as we have previously identified above, there are no deliverable housing sites located within the Village that can deliver a housing scheme which complies with both this policy and the emerging Barnsley Local Plan on account of general deliverability criteria and of course the existing Green Belt boundaries of the Parish. The ONP housing policy is therefore meaningless because both the affordable and general market housing needs of the village will not be delivered in the Plan Period unless YLL's Oxspring Fields site is removed from the Green Belt in exchange for the Safeguarded Land designation at Roughbirchworth Lane which can be returned to the Green Belt.
- 10.13 With regard to Draft Policy OH2, on account of the comments made above we believe it is clear that small redevelopment or conversion schemes are the only new development opportunities in the Village over the next 17 years to 2033 if the current approach of the Draft ONP is not amended. Once again, such an approach will not deliver the Village's identified housing needs.

Protecting the Local Environment and Promoting Sustainable Energy

- 10.14 YLL support the aim of Draft Policy OEN1, however, it is clear for the reasons identified in the preceding sections of these representations that the key elements of the policy can only be achieved through the delivery of their Oxspring Field proposals will provide both the land and funding required.
- 10.15 YLL support Draft Policy OEN2 in respect of protecting Local Green Spaces. Their Oxspring Fields proposals will not only preserve existing Green Spaces within the Village but they will

also significantly enhance them through the provision of funding for the construction of a Sports/Community Pavilion, the creation of a significant new Country Park and the delivery of access and funding to enhance riverside walkways. Without the Oxspring Fields proposals the land and funding to facilitate the enhancement of the Village's existing green spaces is simply not available.

- 10.16 YLL supports the identified intentions of Draft Policy OEN3 in respect of planning for Climate Change. Their Oxspring Fields proposals will be designed in accordance with this policy to reduce the effects of climate change; support homeworking; maximise energy efficient and minimise energy consumption; and contribute to new and improve existing green infrastructure.
- 10.17 YLL support Draft Policy OEN4 in respect of landscape and building design. Again, their Oxspring Field proposals will deliver a high quality development which respects the character of the Village and its surrounding landscape. With particular focus on preserving the landscape character of the Village it is clear that the Oxspring Fields site will have far less of an impact than will any future development of the existing Safeguarded Land designation at Roughbitchworth Lane.

Employment & Renewable Energy

- 10.18 Our client supports the statement presented in Paragraph 6.3.2 of the Draft ONP where it identifies the desire to strengthen the local economy, protect local services and to diversify the rural economy in order to ensure the Village does not become less sustainable. YLL's Oxspring Fields proposals will ensure the delivery of these aspirations through the provision of new homes, providing local construction employment opportunities and the expenditure of new residents to help safeguard existing services. The delivery of the proposed tourism facility adjacent to the Trans Pennine Trail will also further increase the viability of these local services. Importantly paragraph 6.3.2 makes reference to the Village becoming "less sustainable" which by deduction can be considered to present further evidence that OPC and ONPG consider the Village to currently be sustainable.
- 10.19 In Paragraph 6.3.9 the Draft ONP identifies that Oxspring is ideally suited for visitors and that with the provision of improved facilities more visitors will be able to enjoy the picturesque scenery and good walking in the area. The paragraph also makes specific reference to the fact that the village is positioned on the Trans Pennine Trail and is easily accessible by foot, cycle and horse users from other areas. In addition, Paragraph 6.3.9 identifies the high level of support for proposals for small scale tourism and visitor facilities such as a café and catering facilities. Finally, the paragraph states the desire of local residents and businesses to support the opportunity to grow the local economy to help provide a viable and sustainable economy including jobs for younger residents.

10.20 Accordingly, Draft Policy OEMP1 identifies the encouragement of schemes which can deliver such facilities in addition to short stay or overnight accommodation through the conversion of existing buildings and the provision of adequate visitor parking.

10.21 YLL support the aspirations presented within the two identified paragraphs above and Draft Policy OEMP1. This is exactly what their development proposals at Oxspring Fields are seeking to deliver through the inclusion of a tourism facility. As identified above this is a facility that intends to make Oxspring a “green hub” of pedestrian, equestrian and cycle journeys along its routes. Such facilities to be provided will include new and increased accessibility to the Trans Pennine Trail (including dedicated disabled access), the provision of a cycle hire shop, a café, small craft workshops/business units, St John’s first aid station, Horse Tie-up points, drinkers and a shelter and additional car parking facilities to the south eastern corner of the country park. All of which will aid and enhance the tourism offer of the Village. Such measures are attainable and YLL wish to work with the local community towards their delivery.

10.22 An illustrative potential design of the proposed Tourism Hub that will be delivered is identified below:-



10.23 Paragraph 6.3.9 of the ONP provides further evidence that Oxspring is both an accessible and Sustainable location.

10.24 Without the delivery of YLL’s Oxspring Fields proposals we do not consider the policy to be deliverable on account of a lack of land availability and funding. Moreover, the ONP Policy for

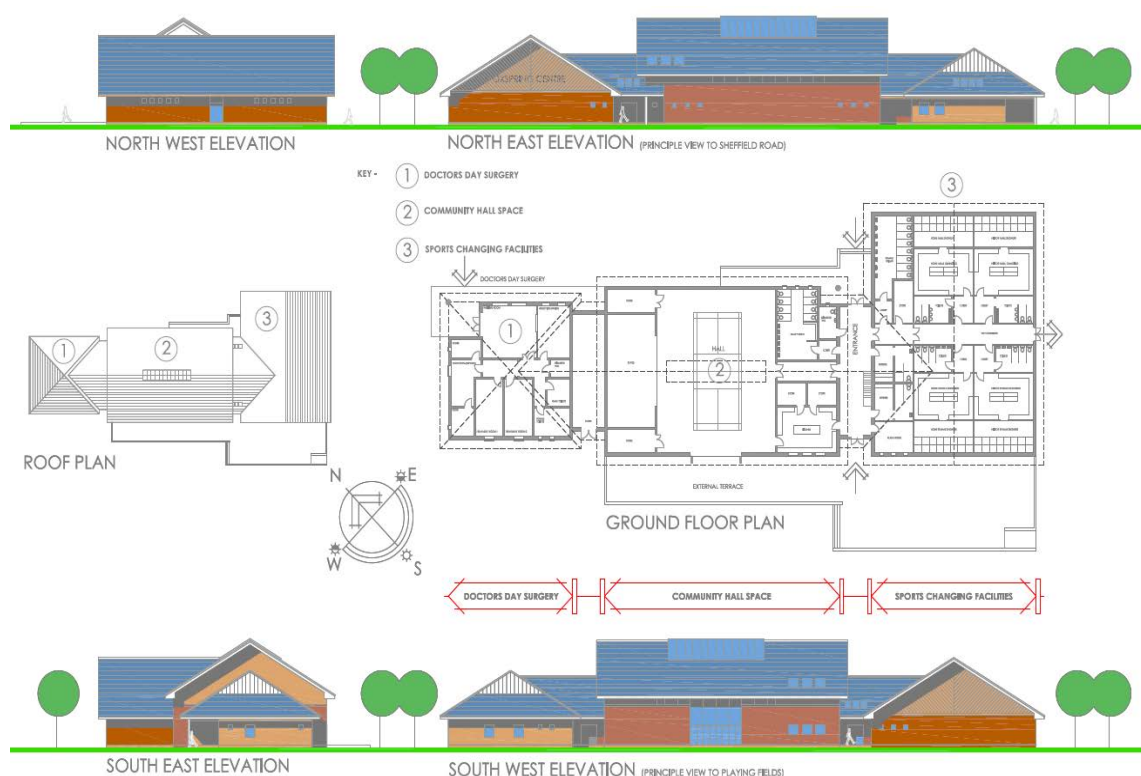
protection of existing Green Spaces of the Village and the desire to deliver a new Sport/Community Pavilion at the centre of the Village will in any event result in insufficient land being available to deliver the desired tourism facilities in the central area of the Village without the use of YLL's land. Accordingly, we believe that the Draft ONP needs to be amended to include the Oxspring Fields development proposals in order for the document to be considered deliverable.

Sport & Leisure

- 10.25 Paragraph 6.4.2 identifies the long standing concerns of residents about the level and quality of provision available for formal and informal sport activities and references the inability of the OPC to generate sufficient funding to deliver new facilities even though planning permission was granted for new facilities in October 2008 and subsequently renewed in 2011. Paragraph 6.4.3 provides further weight to the need for enhanced facilities where it identifies that the Village lacks sport facilities and recreational opportunities for young people between the ages of 11 to 17 years and that the primary school has no changing or sporting facilities on its site and occasionally uses the village playing field without toilet or changing facilities. Clearly this should not be the case in the 21 Century. Paragraph 6.4.4 further states that five football teams use the existing playing fields, yet need to change within a *"dilapidated shed across the busy Sheffield Road"*. Again, we note that this facility does not provide toilet facilities either. The paragraph finally states that the existing playing fields have no access to the Trans Pennine Trail meaning that a large quantity of the Village's residents choose to partake in leisure and recreational activities away from the Parish.
- 10.26 On account of the evidence provided within the above paragraphs the Draft ONP identifies in Draft Policy OS1 the encouragement of new viable and self-supporting good quality facilities on Sheffield Road Playing Field (which immediately adjoins the proposed Oxspring Fields site) to include changing rooms, wider community facilities and improvements to the playing field.
- 10.27 As stated above and within preceding sections of these representations, YLL's Oxspring Field development proposals have been designed to facilitate the delivery the desired community and recreational facilities at no cost to the public purse. The development proposals for the Oxspring Fields site include a £500k contribution for the construction of a new Community Centre/Sports Pavilion to be at the "Heart of the Village". We understand that this is a long-standing aspiration of the Village and the Draft ONP evidences that there has been a detailed planning permission in place for such a facility, but that a lack of the required funding over the last 8 years has led to its non-delivery.
- 10.28 YLL would like to work with the local community on the detailed design of the facility and of course the process of delivering it.

10.29 In accordance with the aspirations of the Draft ONP it is envisaged that the facility could cater for sports/fitness, school P.E lessons, youth and after school clubs etc. providing such facilities as; changing rooms; toilets; meeting and function rooms; and the potential for adjoining health facilities such as a Dr's surgery, if desired. The facility is proposed to be located in the historic centre of the Village on the southern side of Sheffield Road, which has significant safety benefits in that children will no longer have to cross the busy B6462 Sheffield road as they do from the existing facility currently. Its delivery alongside, and as part of, the Oxspring Fields proposals will centralise the Village's services and facilities around the Waggon and Horses public house enabling the creation of a "heart" to the Village as desired by ONPG.

10.30 An illustrative potential design of the type of Community Centre/Sports Pavilion that will be delivered is identified below:-

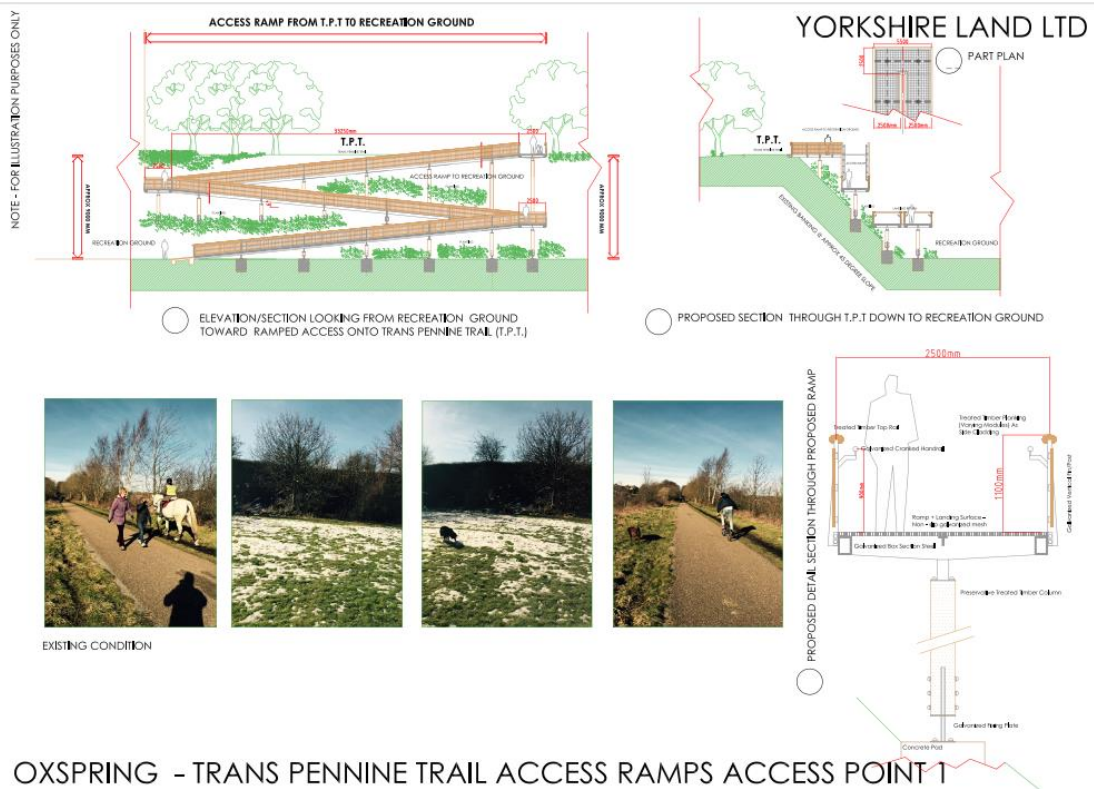


10.31 The fact that OPC held detailed planning permission for such a facility from 2008 to 2014 and that it has not been delivered despite concerted effort in fundraising and high profile interventions over several years, provides substantial evidence that the proposal is simply not deliverable without the provision of private funding from the proposed Oxspring Fields development. It is clear that the only way in which private funding (of the scale needed) can be generated is through new housing development of the size being proposed by YLL within the Oxspring Fields development proposals.

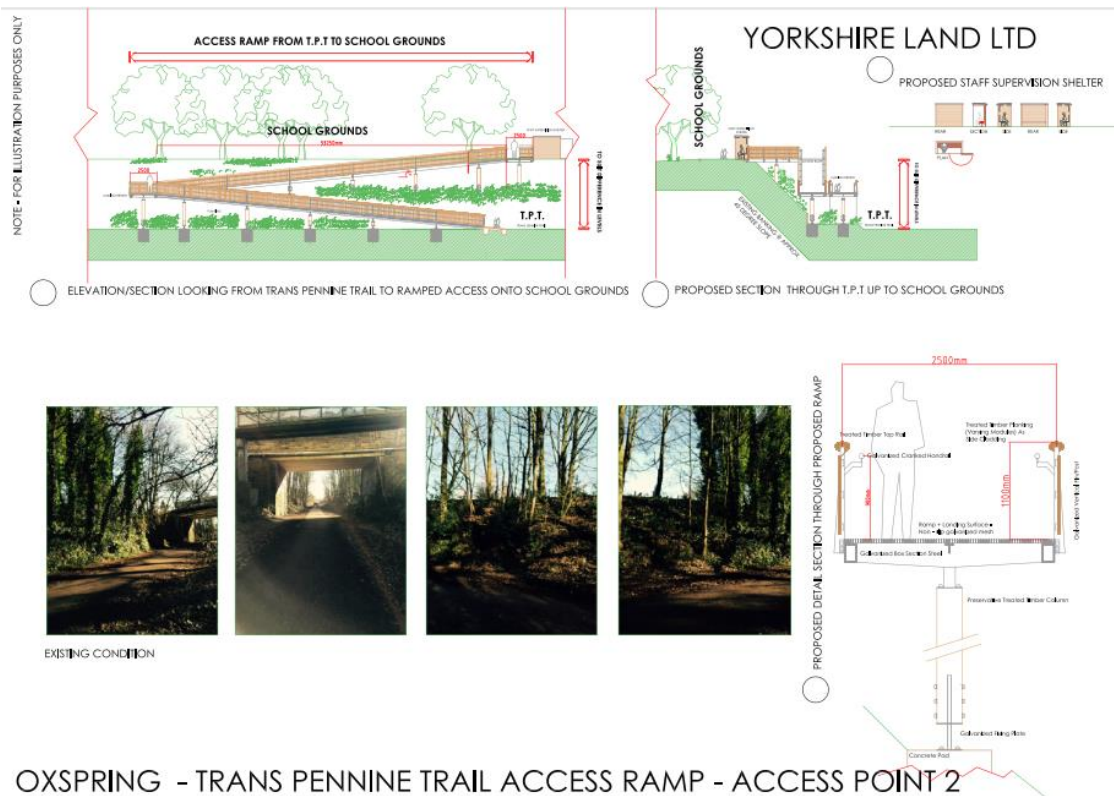
- 10.32 In addition, the Oxspring Field proposals will also provide new accessible connection points to the Trans Pennine Trail to further improve the accessibility of the existing playing fields, a new sports/community pavilion and YLL's proposed community park and tourism facility to existing residents of the Village.
- 10.33 Accordingly, we believe that the Draft ONP needs to be amended to include YLL's Oxspring Fields development proposals in order for the document to be considered deliverable.

Movement

- 10.34 Paragraph 6.5.2 identifies the significant opportunities that the Trans Pennine Trail has the potential to offer in respect of connecting walkers, horse riders and cyclists to the wider countryside. Paragraph 6.5.3 specifically states the need to improve access onto the Trans Pennine Trail from points within the Village as current access points are very steep and inappropriate for wheelchairs, pushchairs or cyclists. Finally, paragraph 6.5.5 identifies that the Draft ONP proposes the funding of the required improvements through future CIL monies. Accordingly, Draft Policy OM1 supports proposals which provide safe, level and ramped access onto the Trans Pennine Trail.
- 10.35 The funding generated from YLL's Oxspring Fields proposals will be utilised to create new ramped accesses, the first leading from the existing school playground onto the Trans Pennine Trail (to include Security Gates and supervision shelter), the second from the Trans Pennine Trail leading directly onto the existing village recreation ground where it is envisaged that enhanced recreational and community facilities (including the proposed Community Building/Sport pavilion) will be situated; These enhanced facilities would extend educational facilities, particularly with regard to Physical Education though improving the accessibility of the existing playing fields to the school and negating the need for Schoolchildren to traverse public roads including the B6462 Sheffield Road. The third access will provide a dedicated level disabled access and enhanced foot/cycle connections from the proposed Tourism Hub to the Trans Pennine Trail offering all local residents and visitors the ability to take full advantage of the myriad of walking and cycle routes that ONPG have identified connect the Village to services and facilities available both locally and across the wider area. Including Penistone and its railway station which is only a 7 minute commute by bicycle from the Oxspring Fields site.
- 10.36 Illustrative potential designs of the proposed new access points to the Trans Pennine Trail are identified below:-



OXSPRING - TRANS PENNINE TRAIL ACCESS RAMPS ACCESS POINT 1



OXSPRING - TRANS PENNINE TRAIL ACCESS RAMP - ACCESS POINT 2

10.37 The estimated cost of the new ramped accesses is in excess of £250,000 and thus we question how such proposals will be financed within the ONP period to 2033 without the delivery of funding from new housing developments such as YLL's Oxspring Field's proposals. The Draft

ONP suggests that CIL monies will be used to fund their delivery, however, the only sizeable development within the adopted ONP boundary is the employment site “P2 Land North of Sheffield Road” which is proposed within the emerging Barnsley Local Plan. Whilst this is an important employment development that can enhance an already sustainable Village, any CIL monies received by OPC from the development will be insufficient to deliver the funding required.

- 10.38 It is our view that the only type of development in the current economic conditions that can provide the necessary funding to deliver the new access points to the Trans Pennine Trail, in addition to the numerous other identified visions and aspirations of the Draft ONP, is new housing development of a sufficient size. Not only will this provide the financial contributions to enable the delivery of the Draft ONP’s identified vision and objectives, but it will also importantly meet the identified housing needs of the Village.
- 10.39 Accordingly, we believe that the Draft ONP needs to be amended to include YLL’s Oxspring Fields development proposals in order for the document to be considered deliverable.

11.0 SUMMARY & CONCLUSIONS

- 11.1 In conclusion, it is our considered opinion that the Draft ONP fails to meet the basic conditions required of a Neighbourhood Plan unless the significant amendments highlighted in this representation are made to the document.
- 11.2 YLL support a number of the objectives identified within the Draft ONP as these align with their own and will provide considerable benefits to Oxspring. However, the main concern of YLL is that there is no evidence presented within the Draft ONP to identify how identified ambitions will be facilitated without the delivery of new homes as part of the Oxspring Fields development proposals. YLL's proposals can and will deliver both the funding and the land required.
- 11.3 As a consequence the Draft ONP fails to meet the guidance presented within Paragraph 005 (Reference ID 41-005-20140306) of the National Planning Practice Guidance (NPPG) which specifically states that *"if the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable"*.
- 11.4 In addition, the Draft ONP seeks to align to the emerging Barnsley Local Plan, an emerging local planning policy document that is likely to be amended on a number of occasions prior to its adoption, thus rendering a number of the policies and aspirations of the ONP out of date and the resource associated with the production of the document largely abortive.
- 11.5 It has been made clear in these representations that where our client disagrees with the Draft ONP is the amount of new homes which are proposed to be delivered in the Village during the proposed ONP plan period of 2015 to 2033. With regards to housing needs the URS Study commissioned by OPC identifies a need for up to 68 new homes to serve the needs of the Oxspring up to 2026; we have extrapolated this figure to 96 new homes to take account of the seven additional years of plan period up to 2033. The Draft ONP seeks to deliver only small scale housing on sites of 0.4Ha or less and identifies that the housing needs of the Oxspring will be met predominantly in Penistone. An approach that YLL strongly refute because this quite simply means that the identified housing needs of the Village will not be met until the end of the plan period at the earliest (seventeen years from now) and those people and families looking to stay in or move to the Village will be forced to look elsewhere. We believe that this is socially unethical, especially when there are planning mechanisms available to OPC and ONPG which will allow the release of a deliverable housing site (Oxspring Fields) which has a minimal impact on the character of the Village and the Local Landscape and will deliver a myriad of long desired and otherwise undeliverable community benefits identified in the ONP. Indeed, it was stated in the Spring 2014 Parish Newsletter compiled by OPC that:-

“A NP cannot set an agenda against development and change. There is a housing crisis across the Country, let's not turn it into a crisis for our village or for our Parish. We will not turn the tide against housing growth set by Central and Local Governments, but if we work together we can find a solution that could improve all of our lives young and old, now and in years to come. The challenge is for us all to create our NP.”

- 11.6 In addition the document identifies that small scale development is appropriate due to the unsustainable nature of the settlement. A position which we strongly object to and have evidenced is incorrect. The Draft ONP provides substantial evidence of its own to demonstrate how sustainable the Village is and this is also supported by further information publicly available on the Parish Website controlled by OPC and in BMBC's Adopted UDP.
- 11.7 We have made clear that the only way the visions, objectives and policies of the Draft ONP will be delivered is through the release of YLL's Oxspring Fields development proposals from the Green Belt. In order to ensure that the level of existing Green Belt is retained we propose that the existing Safeguarded Land site at Roughbitchworth Lane is placed back into the Green Belt. OPC, supported by the local Member of Parliament, has specifically requested that BMBC return the Safeguarded site SAF18 to Green Belt allocation and it is also a matter of record that many local residents have made written objection to BMBC stating that they oppose any development of the SAF18 site for housing. Such an approach complies with existing planning guidance on account of the existing Safeguarded Land site being undeliverable for future development; as it currently fulfils Green Belt purposes; and because its development will have a far greater, and adverse, impact on the local landscape than YLL's Oxspring Fields site.
- 11.8 We acknowledge national planning policy guidance which identifies that a Neighbourhood Plan must be in general conformity with the Borough Local Plan. However, as identified above, given the Borough's Local Plan is at the consultation stage there is an opportunity for the ONPG, OPC and the local community to proactively influence the housing allocation during the production of the Borough Local Plan to ensure that the Village's own identified needs and aspirations will be delivered in the Plan Period to 2033.
- 11.9 We believe that if OPC and ONPG work with BMBC towards this objective then suitable amendments can be made to both the ONP and the emerging Barnsley Local Plan to facilitate the delivery of the Oxspring Fields proposals. Particularly given that both the Draft ONP and emerging Barnsley Local Plan have only reached consultation draft stages and thus can be amended through the further progression of the documents prior to adoption.
- 11.10 National Planning Policy Guidance clearly states that Neighbourhood Plan bodies should plan positively to support local development, shaping and directing development in their area that is

outside the strategic elements of the Local Plan. More specifically Paragraph 184 of the NPPF states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies. They can however promote more development, especially where development proposals can be considered to achieve the NPPF's principles of sustainable development.

- 11.11 We have identified in the numerous representations and correspondence submitted to ONPG, OPC and BMBC to date how the development of the Oxspring Fields site will enable the delivery of the NPPF's sustainable development objectives through delivering mutual enhancements to the economic, social and environmental characteristics of Oxspring, Penistone and the wider Barnsley Borough as a whole.
- 11.12 We trust that this representation will be thoroughly considered alongside all of the information our client has previously submitted to the ONPG, OPC and consultants Kirkwells. We also request that the comments made in this document are presented to the local community for their consideration, in order to ensure that the Oxspring Neighbourhood Plan has been prepared transparently.
- 11.13 It is our clear and valid view that without the delivery of new homes as part of the Oxspring Fields development the majority of the identified ambitions of the Draft ONP will not be viable and as consequence are un-deliverable. Plainly, they will remain words on a page rather than tangible facilities that the local community can use and enjoy unless significant changes are made to the document.
- 11.14 We wish to highlight the fact that our client's Oxspring Fields development proposals present a rare, unprecedented and unrivalled opportunity for Oxspring. Land owned privately by YLL is being offered to provide community benefits that will facilitate the sustainable development of Oxspring, in accordance with the spirit of the National Planning Policy Framework, they will also enable the delivery of the desires and recognised needs of both Oxspring and the wider Penistone area.
- 11.15 We remain hopeful that the ONPG and OPC will desire to work with YLL towards the delivery of an exemplary Neighbourhood Plan which can be considered "best practice" in respect of providing evidence of the significant number of benefits that can be delivered when the local community and developers work together. The Oxspring Fields development proposals provide the ONPG and OPC with an opportunity to deliver unrivalled benefits for the community which they represent. They will facilitate the provision of new and enhanced Village, Parish and Borough-wide assets.

- 11.16 Whilst many of the Neighbourhood Plan's identified concepts are supported, they will remain as theoretical concepts unless feasible and viable delivery mechanisms are identified. YLL are the only feasible and viable delivery mechanism available to provide the Village's Needs and aspirations within the ONP period to 2033 and present an unrivalled opportunity to the Neighbourhood Plan Group to deliver a future for the village that they, and most importantly the local community can be proud of.
- 11.17 We trust the comments made in these representations will be thoroughly considered in the preparation of the next stages of the Oxspring Neighbourhood Plan.

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							
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							
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							
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							
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							
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							
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							
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	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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
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	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							
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							
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							
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							
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							
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							
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							
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							
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							
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							
H79	Land North of Wood Walk	Hoyland	3.6	2.88	112	112	0	0	0	0	0	0	20	35	35	32	0	0	0	0	0	0	0	0	0							
H4	Land south of Hay Green Lane	Hoyland	3.7	2.96	118	118	0	0	0	0	0																					

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
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	10	0	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	0																		

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

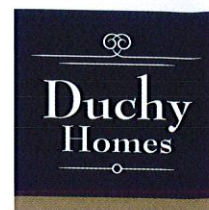
which weight should be given in light of the Council's decision not to identify any rural business parks. If it came forward for employment development, it would appear to render the Oxspring Fields site an infill site. This would only serve to strengthen the case for the release of the Oxspring Fields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



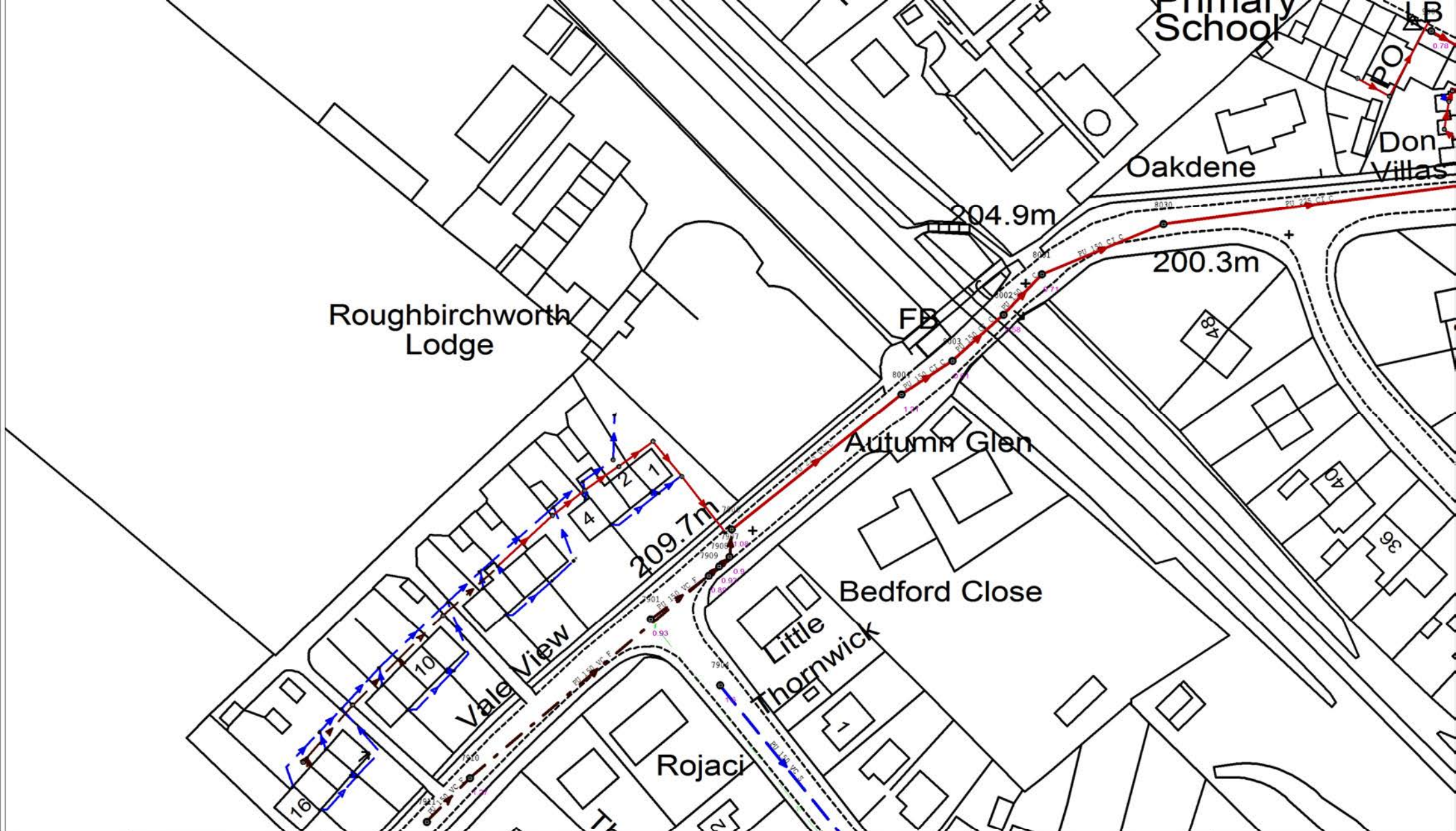
JIM CROPPER
Managing Director
Duchy Homes (Yorkshire)


Tel: 0113 3970434

Email: jim.cropper@duchyhomes.co.uk

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





426595 : 401916	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.
 YorkshireWater	Yorkshire Water, PO Box 500, Halifax Road, Bradford BD6 2LZ Contact Name : r khan Contact Tel :	Notes (Ody) COPYRIGHT STATEMENTS: Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown copyright and database 2014. All rights reserved Ordnance Survey Licence number 100022432	Date Req : 03/05/2018, 09:06:05 Source : Sewer Network Enquiry	Date Gen : 03/05/2018, 09:06:38

Roughbitchworth Lane, Oxspring



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LANDMARK INFORMATION GROUP

Peter Dimberline RIBA

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**