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19 May 2016

Sent by email to

joejenkinson@barnsley.gov.uk

Mr J Jenkinson

Head of Planning & Building Control
Economic Regeneration Service
Barnsley Metropolitan Borough Council
Westgate Plaza
PO Box 604
BARNLEY S70 9FE

Dear Mr Jenkinson,

We have received a copy of your email dated 17 May 2016 to our agent Mr Paul Butler of 'PB Planning' and feel compelled to write to you directly in order to express our deep disappointment with not only your negativity in the face of all reasonable evidence (including that of Barnsley Metropolitan Borough Council's own evidence base), but the manner in which you so readily appear to have dismissed what has been presented to you; all of which overwhelmingly supports the allocation of our sites at Oxspring Fields and Hunningley Lane for housing development purposes within the Barnsley Local Plan.

HUNNINGLEY LANE

As you are aware, we met with Mr David Shepherd (Service Director for Economic Regeneration) last Thursday (12 May 2016) specifically to discuss the Hunningley Lane site. We feel that this meeting was constructive and Mr Shepherd asked that we leave with him for Barnsley Metropolitan Borough Council's (the Council's) consideration, a number of aerial photographs which were tabled at the meeting and which had been annotated to illustrate:

- 1) The area of Land within the Green Belt Review General Area UB12 (forming the Hunningley Lane site) where Arup identify:

"To the west, the Green Belt boundary is weakly defined by built form around White Cross Lane which has sprawled beyond the B6100 Ardsley Road. On the whole the Green Belt boundary is considered to be relatively weak."

- 2) The operational Railway Line which forms the Eastern Boundary of the Hunningley Lane Site where Arup identify:

“An operational railway line which traverses the General Area from north to south could constitute a strongly durable boundary should the area be considered for subdivision.”

- 3) The area of the site (approximately 11 acres) between the Lockeaflesh Cemetery and Dob Sike, where Arup identify:

“A small-scale area of natural consolidation exists to the south of the Lockeaflesh Cemetery, on the land bounded by the operational railway and to the south by Dob Sike.”

- 4) The existing area of land around White Cross Lane (which again forms part of the Hunningley Lane site) where Arup identify:

“The Green Belt boundary is weakly defined by built form around White Cross Lane which has sprawled beyond the B6100 Ardsley Road.”

Mr Shepherd advised us that the Council would take this evidence into consideration alongside the Landscape Report and illustrative enclosure from Smeeden Foreman which were submitted to you on 4 May 2016, one week prior to our meeting.

The Green Belt Review report for General Area UB12 (within which the Hunningley Lane site is located) identifies that the General Area serves to protect a ‘Strategic Gap’ of 1.5 kilometres between Urban Barnsley and Wombwell and that any development within this General Area should not result in a reduction of this gap. This is specifically stated within the conclusion of the Green Belt Review report as a reason why this General Area (UB12) strongly fulfils the role of the Green Belt and no Resultant Land Parcels are identified. However, the evidence contained within the Smeeden Foreman report factually proves that development of the Hunningley Lane Site **would not** narrow the strategic gap of 1.5 kilometres between Urban Barnsley and Wombwell, because the site is located wholly beyond this distance.

The Smeeden Foreman report also goes onto explain in detail how **General Area UB12 would more strongly fulfil the purposes of the Green Belt if the Hunningley Lane site were removed from the Green Belt.**

New housing development at the Hunningley Lane site will provide a suitable housing mix within Urban Barnsley (the main focus for growth in the Borough) which will be satisfactorily accessed from a B-road (the B6100). The site is within short walking distance of services and local

primary/secondary schools including the 'Barnsley Academy' which is located adjacent to the site.

The entire Hunningley Lane site is in single ownership and there are no issues whatsoever which could preclude its development.

BARNESLEY LOCAL PLAN

Importantly, Mr Shepherd advised us at our meeting that the Legal Counsel Opinion by Sasha White QC concerning the Barnsley Local Plan, which was commissioned by ourselves and submitted to you on 4 May 2016, could not be ignored by the Council. However, it appears explicit from the content of your dismissive email to PB Planning, that this is precisely what the Council are doing by progressing to consultation on the **publication version** of the Barnsley Local Plan without having addressed any of the many fundamental issues identified by Sasha White QC; a specialist planning barrister who has been consistently recognised as one of the leading barristers in the field since being called to the bar in 1991.

We cannot see why the Council's Cabinet Meeting which took place yesterday, Wednesday 18 May 2016, seeking approval to carry out public consultation on the Local Plan Publication Version, could not have been rescheduled to provide the Council the necessary time to consider and address the substantive information submitted to the Council on 4 May 2016. Alternatively, in the knowledge of the multitude of detailed information we have provided to date evidencing the sites' suitability, availability and deliverability, we believe that the Council could have included the sites within an addendum to the Local Plan Publication Version for consideration at the Cabinet Meeting.

As you are aware, we have submitted an abundance of **factual evidence** throughout the development plan preparation process; evidence which we believe to be unparalleled by that submitted by or on behalf of the vast majority of stakeholders in the Borough. This evidence takes the form of reports from not just one, but numerous leading and reputable consultancies (landscape assessments, sustainability and accessibility assessments, transport assessments e.t.c) which present new evidence to reinforce the suitability and deliverability of these sites for housing in addition to drawing upon detail contained within high profile reports commissioned by the Council. We are aware that the Council have also received separate representations of support from National Housebuilders 'Persimmon Homes' and 'Barratt and David Wilson Homes' which further proves that there is a real and present market interest for the development of our proposed sites at Oxspring Fields and Hunningley Lane; **sites which are both genuinely available and deliverable.**

In relation to the Oxspring Fields site, you are aware yet appear to ignore the fact that a Housing Needs and Capacity Assessment has been independently prepared by a specialist consultancy 'URS' on behalf of Oxspring Parish Council, which identifies that **there is a requirement for both market and affordable housing in Oxspring.** Paragraph 36 of Counsels Opinion analyses this issue.

With respect, it is frankly galling when you consider that many sites in the Borough which have scored poorly within both the Strategic Housing Land Availability Assessment (SHLAA) and the Council's Housing Site Selection Process (i.e. sites which have been identified as having technical/deliverability issues e.t.c) have all been selected and promoted by the Council for housing

within the Local Plan in preference to our sites at Oxspring Fields and Hunningley Lane. This issue is compounded by the fact that a large quantity of these proposed sites are located in **recognised** areas of market weakness/failure.

In this context, the Council's adopted Core strategy Policy CSP17 (Housing Regeneration Areas) identified that there are a number of recognised areas within the borough of low housing demand including Goldthorpe, Bolton on Dearne, Thurnscoe and Great and Little Houghton, Royston, Shafton, Brierley and Grimethorpe. The supporting text to Core Strategy Policy 17 confirms that "parts of the Borough exhibit weak and at times failing housing markets".

The Council proposes to deliver 20,989 new homes over the Local Plan Period (2014-2033) which averages a delivery of 1105 new homes per year. Therefore, the Delivery of sufficient sites in strong housing market areas is the key to successfully satisfying this need. Put simply, housebuilders will only build and supply what they perceive (through their own thorough market research) the Market, (its customers) desire/require, subject to receiving satisfactory financial returns. On this basis alone, considering that the largest proportions of proposed housing sites within the emerging Local Plan are located in **recognised** areas of market weakness/failure, we simply cannot see how the housing requirements of the Borough will be met.

In consideration of all factual evidence, including the findings of the Councils own Housing Site Selection Process, SHLAA, Strategic Housing Market Assessment, Housing and Economic Strategies and Green Belt Review (not least Arup's comments regarding the Hunningley Lane site as set out above) it is incomprehensible that the Council have not identified our sites at Oxspring Fields (Oxspring) and Hunningley Lane (Urban Barnsley) for housing allocation within the Development Plan. These are Two sites which are unquestionably suitable, available and deliverable and in which several National Housebuilders have expressed real interest in developing; unlike many of the sites now included within the Barnsley Local Plan Publication Version.

SUMMARY

Throughout the Local Plan Preparation Process, we have tirelessly sought to work with the Council and have continuously provided factual evidence in the form of reports from not just one but numerous high ranking consultancies, which identify that our sites at Oxspring Fields and Hunningley Lane are both Suitable and Deliverable. One such consultancy 'Peter Brett Associates' was commissioned by the Council itself at the outset of the Development Plan Preparation Process (long before undertaking work for ourselves) to produce the 2013 Strategic Housing Land Availability Assessment, which provides information on the land available to meet housing requirements across the Barnsley Borough and evidence driven advice to inform the allocation of appropriate sites in the emerging Local Plan. The SHLAA is therefore considered a key underpinning evidence base document.

On 4 May 2016, we shared with you Counsels Opinion, prepared by Leading Planning Silk Sasha White QC, within which he identifies weaknesses in the Barnsley Local Plan. We and our full planning team have sought to work proactively with the Council at the earliest opportunity

in an attempt to ensure that these issues are addressed to prevent the possibility of the Local Plan being found unsound at the Examination stage. However, it is apparent from your email to PB Planning that the Council are unwilling to meet with our representatives to address such crucial matters, which remain unresolved.

Despite our best endeavours we now feel that the Councils current dismissive stance, set out within your email to PB Planning, leaves us with no alternative than to instruct Counsel to prepare **detailed evidence** for presentation to the Inspector of the Local Plan at its Examination in Public. You will be aware that the conclusion of Counsels Opinion identifies there to be a real risk of the Barnsley Local Plan as drafted not being found to be sound in the process of examination. We sincerely hope that the Council will take heed in the interests of all and that this course of action can be avoided.

As ever, we remain hopeful of a positive solution. However, we respectfully request that this letter is recorded formally on the Councils planning file so as it may be drawn upon and considered by the Local Plan Inspector in due course, should the need arise.

Yours sincerely

YORKSHIRE LAND Limited



Steven Green
Managing Director

*Encs Email from Joe Jenkinson to Paul Butler of PB Planning dated 17 May 2016
Counsels Opinion in the Matter of the Barnsley Local Plan and Yorkshire Land Limited*

Cc	Sir Stephen Houghton CBE	-	Leader of Barnsley Metropolitan Borough Council
	Mrs Diana Terris	-	Chief Executive Officer, Barnsley MBC
	Cllr Roy Miller	-	Cabinet Spokesperson Place, Barnsley MBC
	Mr David Shepherd	-	Director of Economic Regeneration, Barnsley MBC
	Mr Paul Butler	-	Director, PB Planning Ltd