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Our Ref YLL/RM/16.01

31 May 2016

Sent by email to

cillroymler@barnsley.gov.uk

Councillor R Miller
Cabinet Spokesperson for Place
Barnsley Metropolitan Borough Council
Town Hall
BARNSLEY
S70 2TA

Dear Cllr Miller

PROPOSED BLACKMOOR BUSINESS PARK, OXSPRING

We write with reference to the proposed **Blackmoor Business Park**, Oxspring (herein referred to as the **BBP**) and your letter reference PRM/JA dated 23 May 2016, which was sent to us by email on 27 May 2016 from Mr Joe Jenkinson, Barnsley Metropolitan Borough Councils (the Councils) Head of Planning.

In the interests of clarity, your letter (although emailed to us on 27 May 2016) is dated 23 May and therefore predates our letters reference YLL/JJ/16.06 and YLL/JJ/16.06 (A) dated 24 and 25 May 2016 respectively, which we refer to below. We note that your letter refers to our 'most recent' letter in relation to the proposed **BBP**, though this is evidently not the case.

We are extremely disappointed and frankly bewildered that you appear to flippantly disregard such important and factually correct information which has been submitted to the Council by email within our letters reference YLL/JJ/16.06 and YLL/JJ/16.06 (A). For the record, you along with the Leader, Chief Executive and Director of Economic Regeneration of the Council were copied into both of these letters, although we received electronic notification that our second letter (reference YLL/JJ/16.06 (A) was deleted from your computer without it having being read.

We recognise that you have held a senior position at the Council in respect of Development within the Borough for a considerable period of time and you will therefore be aware of the multitude of Cabinet Reports written by senior Council officers which highlight the need and importance to encourage business start ups and the relocation of existing business into the Borough; the Council have confirmed this cannot be achieved by the Council alone. It is reliant upon the private sector to

invest. To enable this to happen, the Local Authority must create, at a local level, the correct business climate and planning policies to help encourage development in areas where private sector developers feel content to invest and can achieve a reasonable return on capital invested. It is a recognised fact which should not be overlooked that unlike the public sector, the private sector is far more risk-averse particularly when faced with a choice of whether to invest capital into identified areas of market weakness/failure and other important considerations, for example, restrictions on access and infrastructure.

The Council's Cabinet report reference CAB.6.6.2012/7 of the Executive Director of Development, Environment and Culture, entitled 'Growing Barnsley's Economy (2012-2033) - An Economic Strategy For The Borough And The Proposed Five Year Economic Investment Plan' **recognises** in paragraph 5.4 'A High Level Overview of our Economic Strategy':

*"Whilst much has been achieved to rebuild our economy through the first phase of inter-related strategies such as the remaking Barnsley programme, the Growth Plan for Barnsley's Economy (2007), Building Schools for the Future and the area based regeneration programmes of Kendray and Grimethorpe, there is still much to do. **Barnsley still has an undersized economy and its education outcomes whilst improving remain below national averages. There is a deficit in business stock and in local jobs; we have high levels of worklessness, a low skills base and an inadequate supply of appropriate development sites, executive housing and available business premises. Our economy is still over reliant on the public sector, and we recognise the need to do more in supporting the transition to a more private sector led economy.**" (Our Emphasis)*

A raft of firm evidence exists within various other Cabinet reports of the Council which identify that the Council wish to work with Private Sector partners to deliver a choice of suitable housing and employment sites throughout the Borough.

We are a very successful small private company that has been developing (and thereby investing) within the Western Part of the Barnsley Borough since our incorporation in October 1987, almost 29 years ago. Our company is held in High Regard and the Directors are renowned for their Honesty, Integrity and Positive outlook. We are very proud to say that we have enabled tens of millions of pounds worth of investment into the Barnsley Borough, creating Jobs and prosperity for many and greatly improving the local environment via the redevelopment of numerous previously developed Brownfield sites. One site in particular, the fourteen acre Former Cammell Laird Foundry at Penistone, was one of the most derelict and dangerous sites within the whole Borough, the remediation of which your own planning officers noted within internal memos as an 'almost impossible task'. We enclose a collection of photographs, which provide a small indication of the extensive work involved and hope this demonstrates to you our ability both technically and financially to successfully remediate large, problematic Brownfield Previously Developed sites, as well as our willingness to invest in the Borough.

Having successfully remediated the site (which had remained in its extremely derelict state since the Foundry's closure in the 1930's) without having received one single penny of grant assistance, we

received recognition at a local level (only) from the Penistone Town Mayor, please see the certificate dated March 1999, attached. One of your past Senior Council colleagues (ex) Cllr Ron Fisher visited the site during the three year remediation process, commenting that we need 'a medal the size of a dustbin lid' for undertaking such a difficult project.

We have a successful track record of delivery and are proud to say that we have also enabled the redevelopment of a significant number of further Brownfield sites within the West of the Borough, including one formally known as 'Oxspring Sidings' which is situated in the village of Oxspring and was allocated within Barnsley Unitary Development Plan with site reference 'WR8/1'. A Pleasant mixed use development now occupies the site and generates, like all our other developments, substantial rateable income for the Council.

In addition to providing much needed Jobs and Homes, clearing up the environment and enabling the generation of substantial amounts of Council Tax revenue, our developments have over the years generated sizeable sums of section 106 monies, paid to the Council to provide affordable homes and enable many other worthy Council projects. On top of all of these benefits, we have also paid large amounts of tax revenue to the Government.

Having grown up and being educated in the Penistone and Western Rural Area in the 1970's before moving on to form and operate our successful development company, focussed specifically in this environment for almost 29 years, we believe it reasonable and fair to state that we fully understand as well as anybody the needs of the Principal Town of Penistone and the surrounding Western Villages. In this regard we consider that we are qualified and feel compelled to speak out when supported by sound evidence.

In your capacity as the Councils Spokesperson for Place, Please advise:

- 1. How many representations the Council has received from Landowners since the beginning of the Barnsley Local Plan preparation process, seeking the allocation of land for Employment Development purposes within the Penistone and Western Part of the Borough ?***
- 2. Whether the Council has received any representations since beginning of the Barnsley Local Plan Preparation process from established and reputable Developers wishing to invest in significant new Employment Development in Penistone and the Western part of the Borough ?***

In your response to the second question, if representations have been received by the Council, please specify whether these seek the allocation of Greenfield land or Previously Developed Land for Employment Development purposes.

We shall not recite the full content from our formal representation for the proposed **BBP** which was submitted to the Council on 11 May 2016 by our agent Mr Paul Butler of PB Planning, nor the information contained within our own subsequent letters of 24 and 25 May 2015 (although we ask that these are read in conjunction with this letter); accurate facts are contained therein for all to

read. However, we do consider that it is important to again emphasise the existence of significant access restrictions to high sided vehicles around the Principal Town of Penistone, caused by the existence of a number of low railway bridges, ranging from 10 feet 9 inches to 14 feet 9 inches.

It is imperative that the Council take account of these access restrictions to ensure that employment land allocated for development in this part of the Borough is viable in this respect. More information in this regard is available in the formal representation dated 11 May 2016, referenced above, which was submitted to the Council's Head of Planning, seeking the allocation of the **BBP** site. We enclose two photographs showing the low bridges of 14 feet 9 inches and 13 feet 3 inches which must be negotiated en route to the proposed employment site P2 (North of Sheffield Road, Oxspring) which is currently the only proposed employment land to meet the needs of Penistone in the Local Plan Period to 2033. The bridge of 13 feet 3 inches must be negotiated if accessing site reference 'P2' from the East (via Oxspring) whilst the bridge of 14 feet 9 inches must be negotiated if accessing site reference 'P2' from the West (via Penistone) which would also result in an increase of commercial delivery traffic travelling through the centre of the Principal Town.

Having reviewed official Network Rail figures relating to Railway Bridge Strikes between 1 April 2013 and 31 March 2014, we can reliably inform you that the bridge of 14 feet 9 inches referred to above and identified with ELR/Structure Number PEH/60, was recorded to have been struck seven times during this period alone, please see the extract attached. Moreover, the Council itself has previously recognised that Penistone is affected by Low Bridges in compiling the 'Penistone Hauliers Guide – Routes Avoiding Low Bridges' in the year 2004 which is still available on the Council website and is enclosed for your perusal. We also enclose a document containing four photographs which serve to demonstrate how standard high sided HGV delivery vehicles have struck bridges of similar height to those in existence around Penistone. Over the years, Penistone has experienced a number of similar incidents resulting in congestion and disruption around the Town.

Your letter of 23 May 2016 refers to our **BBP** employment proposal "***at land to the South of Sheffield Road outside Oxspring***" (*Our Emphasis*) Whilst the site does factually lie outside of the Oxspring Parish Boundary (being situated within the adjoining Hunshelf Parish) any longstanding local resident will inform you that the site has always been recognised as being an intrinsic part of 'Oxspring'. Indeed, this can be clarified by your past colleague (ex) Councillor John Wade who served for over 40 years in varying roles as a Parish, Town and Borough Councillor and was born, bred and still resides in Oxspring. The proposed **BBP** site is situated only 600 metres South East of the Oxspring Parish Boundary and an even smaller distance of 395 metres from the adopted Oxspring Neighbourhood Plan Boundary. In contrast, Green Moor which is the home to Hunshelf Parish Council (again for clarity, within whose boundary the site is located) is situated 5.5 kilometres away from the site.

Your letter sets out numerable reasons why the Council reject the proposed **BBP** site for employment development, one of these being that "***the site is located within the Green Belt***" however, it is the case that the Council is proposing, in the Draft Local Plan, to remove circa 400 hectares of land across the Borough from the Green Belt for employment development purposes!

You also state that "***the site is remote from Penistone Principal Town***". However in the knowledge of our recently submitted material evidence which informs the contrary, with respect, this is a ludicrous comment. The existing entrance to the site leads directly from the B6462 'Sheffield Road'

and is situated only 2.2 kilometres from the Penistone Principal Town Boundary at Springvale and only 3 kilometres from Penistone Railway Station (where a Strategic Transport Interchange is proposed) via this direct route. In addition, the A629 road is situated only 1.1 kilometres away from the site and provides access to Huddersfield, Sheffield and the wider strategic highway network including the M1 Motorway.

The 'Travel and Transport' page of the Oxspring Parish Website (www.oxspring-parish.com/travel) which is controlled by Oxspring Parish Council, has confirmed for many years that, quote:

- A. Oxspring is well connected with good links to both public transport and the national road network
- B. The nearest train station is only a couple of miles away at Penistone, with direct services to Huddersfield, Barnsley, Meadowhall and Sheffield;
- C. Oxspring is well served by local bus services with direct services to Penistone, Barnsley and Sheffield running on a regular basis; and
- D. Oxspring is close to the motorway network with the M1 being only 10 minutes drive away. For those going westward, then the start of the Woodhead Pass (A628) is again only 10 minutes drive away.

The site of the proposed **BBP** is bounded to the West by the Trans Pennine Trail (TPT) a dedicated Walking and cycling route which provides safe access to Penistone and its railway station by bicycle in less than 10 minutes. A Bus stop is positioned immediately adjacent the site access on the B6462 'Sheffield Road' which is served by busses operating to Penistone, Barnsley and Sheffield. Furthermore, the proposed **BBP** site is bound to the north west by the proposed Oxspring Fields housing development site, which has been assessed by South Yorkshire Passenger Transport Executive (SYPTe).

SYPTe is responsible for the co-ordination of public transport in South Yorkshire to encourage the maximum use of public transport and to promote growth of the public transport network, SYPTe work closely with transport service operators, local councils and other key stakeholders to develop the network and services across the county. In a Formal letter to Yorkshire Land Limited dated 12 June 2014 regarding the proposed 'Oxpring Fields' development, SYPTe's Planning Officer confirms that:

"The proximity to the Trans Pennine Trail (TPT) is a very good feature for this site and this should not be overlooked. The high levels of accessibility to the TPT promote this site as a very sustainable option given the connections to a high quality walking and cycling network. Although this is not picked up within site assessment criteria, this should be stated within any supporting document. As the site is within 2km from the station (Penistone Railway Station) SYPTe would deem it acceptable to expect a proportion of cycle based park and riding from Penistone, as well as a higher proportion of cycling trips for commuter purposes"

It is evident that all of these comments of SYPTE's Planning Officer relate equally to the proposed **BBP** site, given it adjoins the 'Oxspring Fields' site proposal and is also served by the TPT.

We wish to draw your attention to our letter reference YLL/JJ/16.06 dated 24 May 2016, specifically our reference to the Councils identified 'Challenge' with regard to 'Transport' which is set out within the Draft Barnsley Local Plan and includes the delivery of developments that are accessible by other modes of transport than the private car.

- 3. Please inform us whether or not you feel that a 10 minutes cycle ride from Penistone along the Trans Pennine Trail to the site of the Proposed BBP, or a bus journey from Penistone taking less than ten minutes, renders it remote from the Penistone Principal Town and too far to travel ?***

Importantly, we wish to draw your attention to our letter reference YLL/JJ/16.06 (A) dated 25 May 2016 concerning evidence set out within the Councils own adopted 'Unitary Development Plan Policy' which confirms the suitability of Oxspring for further development. ***This is particularly so in light of its proximity to the Principal Town of Penistone*** and the fact that it has the infrastructure capacity to accommodate additional development.

Whilst a significant time has passed since the adoption of the UDP in December 2000, the proximity between Oxspring and Penistone remains unchanged.

You also state within your letter that ***"the majority of the site is Green field given that the remains of structures associated with the previous use have blended into the landscape in the process of time."*** In this regard, we enclose for your perusal the eight photographs of the proposed **BBP** site in its existing state, which were enclosed with our letter reference YLL/JJ/16.06 dated 24 May 2016 and were taken on 12 May 2016. These certainly do not support your statement but rather serve to dispel it. Section 55 of the Town and Country Planning Act 1990 sets out that Development includes amongst other things: Building operations (e.g. structural alternations, construction, rebuilding, most demolition), engineering operations (e.g. groundwork's) and mining operations. With this in mind, we trust the Council accepts that development works have taken place at the proposed **BBP** site, thereby changing its status from Green field agricultural land.

By definition, the majority of the proposed **BBP** site is classified as being previously developed. We are aware that a number of large brick built petroleum tanks remain underground on this decommissioned site, which now awaits remediation.

- 4. Please inform us what proportion of the circa 400 hectares of land across the Borough, which the Council propose to be remove from the Green Belt for employment purposes via the Local Plan Process, is not currently Green field land ?***

Another of your statements is that our proposals for the **BBP** site ***"would have significantly detrimental impact on openness"*** however, this site is situated within a valley basin and the Councils

own Green Belt Review document (Penistone and Neighbouring villages) compiled by 'Arup' which forms key supporting evidence based documentation of the Barnsley Local Plan, sets out categorically on page 93 (in its assessment of General Area 'PEN11' which includes the proposed **BBP** site, surrounded by large wooded areas and situated adjacent to the Cheese Bottom Sewage works) that:

"In the east, the topography rises sharply to Black Moor and Common Weir. **Large wooded areas reduce the level of openness and the large sewage works at Cheese Bottom reduces the rural character.**" (Our emphasis)

Clearly, your claim that the proposed **BBP** development would have a 'significantly detrimental impact on openness' is wholly at odds with the assessment of Arup, a professional consultancy commissioned by the Council itself to undertake its 'Green Belt Review'

5. Please confirm what proportion of the proposed development of circa 400 hectares of Green Belt land, which the Council is supporting elsewhere for employment purposes within the Borough, will not have an impact on openness ?

As we set out within our letter reference YLL/JJ/16.06 dated 24 May 2016, the Council flippantly rejected our proposals for the **BBP** site within three and a half working days of having received the formal representation from our agent Mr Paul Butler of PB Planning, without affording it any proper consideration and are now attempting to defend an indefensible decision, instead of properly reviewing the sound evidence, including from its own evidence base, which supports the sites development.

With regard to your reference that the **BBP** proposal conflicts with the Councils '**proposed spatial strategy**' it is important to note that this has not as yet been adopted and may not be found to be sound in the process of examination considering a number of factors. The first being in respect of the robustness of the Council's Green Belt Review process. The second being that it is restrictive of growth in villages and ignores independent evidence of identified housing needs in Oxspring specifically, contrary to Paragraph 28 of the NPPF which notes the importance of viable villages in promoting sustainability. Finally, the proposed spatial strategy does not align with the Council's own economic and housing strategies as a significant number of proposed housing allocations are located in identified areas of market weakness/failure. Which will result in neither the quantitative or qualitative housing needs of the Borough being met.

We respectfully assert that your comments regarding the **BBP** site set out within your letter of 23 May 2016 are completely unacceptable and are proven incorrect by the sound factual evidence which we have already identified and presented within the formal representation of 11 May 2016 from Mr Paul Butler of PB Planning and our subsequent letters, reference YLL/JJ/16.06 and YLL/JJ/16.06 (A) dated 24 and 25 May respectively.

We are a very upstanding Company that has presented a very sensible and sound proposal in the form of the **BBP**, which if allocated and subsequently developed will create much needed jobs, new

employment facilities and greater prosperity in the Borough, which the Council has identified to be required within its own Documentation. In consideration of all valid evidence we have provided, this opportunity should be both welcomed and embraced by the Council; particularly, when you consider that, as set out above, the only site currently proposed by the Council for employment purposes to meet the needs of Penistone and the Western Part of the Borough (Site reference P2) is severely constrained being located between a number of low railway bridges, which must be navigated to access the site.

Proposed Employment Site reference P2 is also an irregular shaped area of land, which renders part of it undevelopable. This is further compounded by the presence of electricity pylon's which carry low hanging, high voltage wires over the site and the fact that the Council recognises within the Local Plan Consultation Draft 2014 that the development will be expected to *"provide a buffer strip along the entire north-eastern boundary to prevent the site from being developed right up to the woodland edge."* All of these factors reduce further the developable area of the site.

We contend that Penistone is currently lacking modern employment facilities suitable for the 21st Century and that the proposed **BBP** site should be identified to meet this need. Development of the **BBP** would help encourage business start-ups and the relocation of existing business into this part of the Borough, it will also help to reduce the level of out commuting currently experienced and provide the opportunity for many local residents to have a place of work close by their home. As set out above, the location of the proposed **BBP** site provides the opportunity to access the site by other modes of transport than the private car and importantly, HGV delivery vehicles would not be restricted by low bridges; we can confidently inform you as private sector Investor that this is a major consideration.

When you consider that the Western half of the Borough makes up over half of the total land in the Borough, it is wholly insufficient and bizarre that Site reference P2, at 3.3 ha in size, is the only site currently proposed to meet the employment needs of Penistone and the Western Part of the Borough during the Local Plan Period to 2033.

As we have stated time and again, we do not wish to be in conflict with the Council, to the contrary we very much desire the Council to work in partnership with us as a willing and able private sector Investor, to deliver the much needed Homes, Jobs and Employment facilities that the Borough desperately desires in order to address the unsatisfactory statistics set out within paragraph 5.4 of the Cabinet report CAB.6.6.2012/7 which is reproduced on page two of this letter.

If the proposed **BBP** site is not included as an employment site allocation within the Local Plan Publication Version, which you have confirmed will be published for public consultation from 24 June 2016 until 5 August 2016, leading Counsel will be instructed to represent us at the Local Plan examination stage; we believe this is likely to result in the Local Plan being delayed and found unsound by the examining Inspector considering the overwhelming evidence available in support of our proposals. Clearly this is something that can be properly and reasonably avoided by the Council if it is addressed at this stage.

We respectfully request that the Council (including yourself in your position as the Spokesperson for Place) reflect on the current negative stance regarding the proposed **BBP**, as it is factually supported

by sound evidence and in many cases evidence extracted from the Council's own evidence based reports.

For the benefit of the Borough and its inhabitants, we trust the Council could encourage this development and provide the correct business climate, as we are a private sector developer content to invest in this area. We also hope it is agreed, that so much more could be achieved by working together; when effort and ability are pooled.

We look forward to receiving your reply to the five questions raised by return.

Yours sincerely

YORKSHIRE LAND Limited



Steven Green
Managing Director

Encs Photographs of Cammell Laird Foundry Remediation, 1990's
 Penistone Town Mayor Certificate of Recognition to Steven and Lorraine Green (Directors of Yorkshire Land Limited)
 Photograph of Low Bridge 14 Feet 9 Inches in Height on Sheffield Road, Penistone
 Photograph of Low Bridge 13 Feet 3 Inches in Height, Sheffield Road, Oxspring
 Network Rail Database of Recorded Railway Bridge Strikes Between 1 April 2013 and 31 March 2014
 2004 Barnsley MBC Penistone Hauliers Guide – Routes Avoiding Low Bridges
 Examples of Low Bridge Strikes Around The Country By Standard High Sided HGV Vehicles
 Eight Photographs of BBP site taken 12 May 2016, originally enclosed with letter reference YLL/JJ/16.06

Cc Sir Stephen Houghton CBE - Leader of Barnsley Metropolitan Borough Council
 Mrs Diana Terris - Chief Executive of Barnsley Metropolitan Borough Council
 Mr David Shepherd - Director of Economic Regeneration, Barnsley MBC

 Councillors R Barnard, P Hand-Davis and J Wilson - Penistone East Ward
 Councillors D Griffin, A Millner and J Unsworth - Penistone West Ward

 Mr Paul Butler - Managing Director, PB Planning
 Mr David Walton - Instructing Solicitor, Walton and Co (Planning Lawyers)