

Yorkshire Land Limited

**Barnsley Local Plan, Consultation Draft 2014
Submission in Relation to
Land at Hunningley Lane, Worsbrough Dale**

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1 INTRODUCTION

- 1.1 Peter Brett Associates ('PBA') was commissioned by Barnsley Council in April 2013 to undertake the Barnsley Housing Study. The main role of the study was to provide recommendations on the delivery of a broad mix of housing in locations attractive to the market, the findings from which could then be used to inform the allocation of appropriate sites in the emerging Local Plan. We provided our final outputs to the Council in the form of three reports dated January 2014, namely Study 1: Strategic Housing Land Availability Assessment; Study 2: Site Identification Study; and Study 3: Advice on Local Plan Strategy and Policies.
- 1.2 Following the completion of the Barnsley Housing Study, various landowners and development companies have asked us to promote sites on their behalf. We are always at pains to ensure that we only accept instructions where to do so would not represent a conflict with our earlier advice. For that reason we have chosen not to promote various sites in Barnsley that we are not comfortable with.
- 1.3 In May 2014, we were approached by Yorkshire Land Limited ('YLL') and were asked to provide an unbiased, professional opinion of the credentials of various sites within its control, all of which are within the western half of the Borough¹. Having reviewed the documents commissioned by YLL, followed by visits to the sites in July 2014, we formed the view that the case being put forward for the sites' release fully accords with the findings of the Barnsley Housing Study. On that basis we felt comfortable with supporting YLL's case for the release of those four sites, and we have been liaising with the Council in recent months in that regard.
- 1.4 We have more recently been asked by YLL to make submissions regarding another site within its control, at Roughbircworth Lane in Oxspring. The current planning situation regarding these five sites is as follows:
- **Wellhouse Lane/Halifax Road (Penistone)** – this land is identified as two separate housing allocations in the Local Plan Consultation Draft 2014 (site references H81 and H82). We support the allocation of this land and so we do not make detailed comments regarding the site(s) in this report, albeit we believe that the indicative number of dwellings earmarked for each site in Table 16 of the Local Plan is too high.
 - **Oxspring Fields (Oxspring)** – this site is not identified as a housing allocation in the draft Local Plan. Walton & Co is making a submission on YLL's behalf in relation to the Oxspring Fields site and so we do not provide detailed comments in our report. However, given the clear under-allocation of housing land in the draft Local Plan, we maintain that the Oxspring Fields site represents an excellent candidate for market and affordable housing given its extremely sustainable location.

¹ The sites are at Wellhouse Lane (Penistone), Oxspring Fields (Oxspring), Millstones (Oxspring) and Huthwaite Lane (Huthwaite).

- **Millstones (Oxspring)** – this site is the subject of a current planning application (reference 2014/0482). The Council has not yet taken the opportunity to make a localised adjustment to the Green Belt anomaly in this location, and so we have made a separately bound submission to the Local Plan consultation process specifically in relation to YLL's Millstones site.
 - **Huthwaite Lane (Huthwaite)** – this site is also the subject of a current planning application (reference 2014/1240). For the reasons outlined in the planning application submission, however, there is no need to allocate this particular site in the Local Plan because it is an infill site within a defined village, which is expressly identified as acceptable by paragraph 89 of the NPPF. Accordingly, we do not make a submission to the Local Plan consultation process in relation to YLL's Huthwaite Lane site as the proposal for four dwellings on this infill site in a defined village is acceptable in policy terms, which was agreed by Peter Taylor (Interim Head of Planning) at a meeting with PBA and YLL on 26 September 2014.
 - **Roughbitchworth Lane (Oxspring)** – the Planning Regulatory Board resolved to approve YLL's planning application for three executive dwellings (reference 2014/068) at its meeting on 16 December 2014.
- 1.5 PBA has now been instructed by YLL to submit a representation to the Barnsley Local Plan consultation process in respect of a further site within its control, at Huntingley Lane in Worsbrough Dale, which is not identified for housing in the latest draft version of the Local Plan. We are therefore making two submissions to the consultation process, which relate to YLL's sites at Huntingley Lane and at Millstones in Oxspring. The Huntingley Lane site – which we assessed in the SHLAA (site reference 547) – is covered in this report and the Millstones site is addressed in a separate submission.

2 YLL'S SITE AT HUNNINGLEY LANE – OVERVIEW

Location and Physical Characteristics

- 2.1 YLL's site at Hunningley Lane in Worsbrough Dale covers 12.55 hectares of land (gross) within Urban Barnsley, on the eastern side of the Borough. A red line plan² delineating the extent of the site is provided in Appendix 1.
- 2.2 The site's locational and physical characteristics, and the surrounding land uses, are described in detail in the suite of documents that have been commissioned by YLL and submitted to the Council previously. For ease of reference, some of those documents are reproduced in the Appendices to this report, but key points that we wish to emphasise here are that YLL's site is:
- within the presently defined Green Belt but does not fulfil any of the five Green Belt purposes;
 - within Urban Barnsley; and is
 - demarcated by established, readily recognisable physical features which would form permanent, enduring boundaries.
- 2.3 The Landscape Statement produced by Smeeden Foreman and dated May 2014 is reproduced in Appendix 2 to this report. The document contains a wide range of plans at different scales, which clearly show that the site is adjoined by existing residential uses and is demarcated by various existing roads and the Sheffield to Leeds railway line.
- 2.4 The site therefore represents a natural, well-contained rounding-off of Urban Barnsley. Crucially, the site is within the extreme north-western part of the gap between Urban Barnsley and Wombwell, and the site's release would not constitute a significant incursion into the Green Belt.
- 2.5 The plans in the Landscape Statement demonstrate that the proposed area of housing only extends a modest distance beyond the existing residential area at the eastern end of Worsbrough Dale, and any further encroachment into the Green Belt beyond would not be possible due to the presence of the railway line to the east and White Cross Lane to the south, which would form strong, permanent physical boundaries. This is perhaps best demonstrated by the plans on pages 2 and 6 of the Landscape Statement, reproduced in part below for ease of reference.

² Based on a Google Earth aerial photograph.

Figure 2.1 Excerpt from pages 2 and 6 of the Landscape Statement



- 2.6 For the reasons detailed in the Landscape Statement, Smeeden Foreman's professional opinion is that development at the Hunningley Lane site would not have a significant impact upon local landscape character. Moreover, in Smeeden Foreman's assessment, the Green Belt would benefit from redefining the existing fragmented and untidy urban edge and a sensitive development scheme at the site could result in an overall gain in terms of landscape character and urban visual amenity.
- 2.7 Page 7 of the Landscape Statement provides Smeeden Foreman's assessment of the Hunningley Lane site against the five purposes of the Green Belt as defined under paragraph 80 of the NPPF, and Spawforths also concludes in its Advocacy Statement (April 2014, reproduced in Appendix 3) that the site does not fulfil any Green Belt purpose. We agree with Smeeden Foreman and Spawforths but for completeness we provide our own assessment of YLL's site against each of the five Green Belt purposes in the next section of our report.

Proposed Scheme

- 2.8 In a letter to Barnsley Council dated 7 January 2015, Persimmon Homes confirms that it has undertaken necessary technical work to inform a draft layout for the site, which shows that the site can accommodate 329 dwellings including a mix of 2, 3 and 4-bed family homes. The letter from Persimmon is reproduced as Appendix 4 and the layout as Appendix 5. A further letter confirming interest in the site from Barratt & David Wilson Homes Yorkshire West is provided as Appendix 6.
- 2.9 Persimmon's indicative layout plan shows that the site can accommodate generous areas of open space and that the site can be safely accessed from at least two points. The number of dwellings identified by Persimmon (329) is higher than the indicative yield of 212 dwellings that we identified in the SHLAA. This is because we applied a density of 25 dwellings (per hectare net) to the site in the SHLAA. Given the interest that has been expressed in the site subsequently by volume housebuilders, however, we confirm that a higher density (and therefore the overall dwelling yield) is more realistic on this particular site.
- 2.10 Our SHLAA pro-forma for the Hunningley Lane site is reproduced as Appendix 7, and the associated map (SHLAA Map 7) is reproduced in Appendix 8. The pro-forma

confirms that the site performed well against 'availability' and 'achievability' criteria. The site also performed well against the vast majority of the 'suitability' criteria, including:

- no constraints identified by the highways authority;
- only minor drainage constraints identified;
- no anticipated constraints regarding ground conditions, geology/mining;
- not within an area of employment land;
- mostly within Flood Zone 1;
- no bad neighbours;
- not within 800m of an AQMA; and
- not within an area of Grade 1 Agricultural Land.

- 2.11 The only reason the site achieved an overall Category 2 rating rather than Category 1 is because it was thought likely to be 'moderately' attractive to the market, and because of its location adjacent to (as opposed to within) Urban Barnsley. Regarding the first point, as we explained above Persimmon Homes has subsequently confirmed its interest in the Hunningley Lane site, and two further national housebuilders (Barratt Homes and Bellway Homes) have also expressed a firm interest in the site. This recent evidence confirms that the site is more than 'moderately' attractively to the market.
- 2.12 Regarding the latter point, the site is actually within Urban Barnsley – as confirmed by the plan from the UDP entitled 'Diagram 1, Community Areas') which is reproduced as Appendix 12. The site is flanked by existing housing on two sides and it represents a logical 'rounding off' of Urban Barnsley.
- 2.13 The site is close to public transport facilities on Hunningley Lane as well as a range of shops, services and community facilities including Hunningley Primary School and Barnsley Academy. More detail is provided in the Advocacy Statement in Appendix 3.

3 ASSESSMENT AGAINST THE FIVE GREEN BELT PURPOSES

Green Belt Purpose 1: Check Unrestricted Sprawl of Large Built-up Areas

- 3.1 There is no potential for 'unrestricted sprawl'. The site is well-contained by the B6100 (Hunningley Lane) and existing housing to the west, by White Cross Lane and further existing housing to the south, by mature landscape features to the north, and by the railway line to the east. The site's release for housing would therefore represent a logical rounding-off of the Urban Barnsley area up to permanent, defensible boundaries, rather than uncontrolled outward expansion. Furthermore, because of the aforementioned characteristics there would be no potential for additional incremental development.

Green Belt Purpose 2: Prevent Neighbouring Towns Merging Into One Another

- 3.2 For the same reasons outlined above, the proposed development at YLL's site would not result in any settlements merging. The gap between Urban Barnsley and Wombwell is approximately 1.5km and this gap would reduce only very slightly, and up to permanent defensible boundaries.

Green Belt Purpose 3: Assist in Safeguarding the Countryside from Encroachment

- 3.3 The third Green Belt 'purpose' is similar to the first two purposes and the conclusion is the same. Rather than unrestricted expansion into the countryside, the proposed residential development at the site would form a natural rounding-off of Urban Barnsley. Further expansion into the countryside will not be possible because of the strong containing features.

Green Belt Purpose 4: Preserve the Setting and Special Character of Historic Towns

- 3.4 The Hunningley Lane site is not part of or adjacent to a conservation area and it does not contain any listed buildings. The proposed residential development will therefore have no impact on this Green Belt purpose.

Green Belt Purpose 5: Assist in Urban Regeneration by Encouraging the Recycling of Derelict and Other Urban Land

- 3.5 Releasing the Hunningley Lane site will have no detrimental impact on the ability of schemes to come forward within the brownfield and other land within the urban areas,

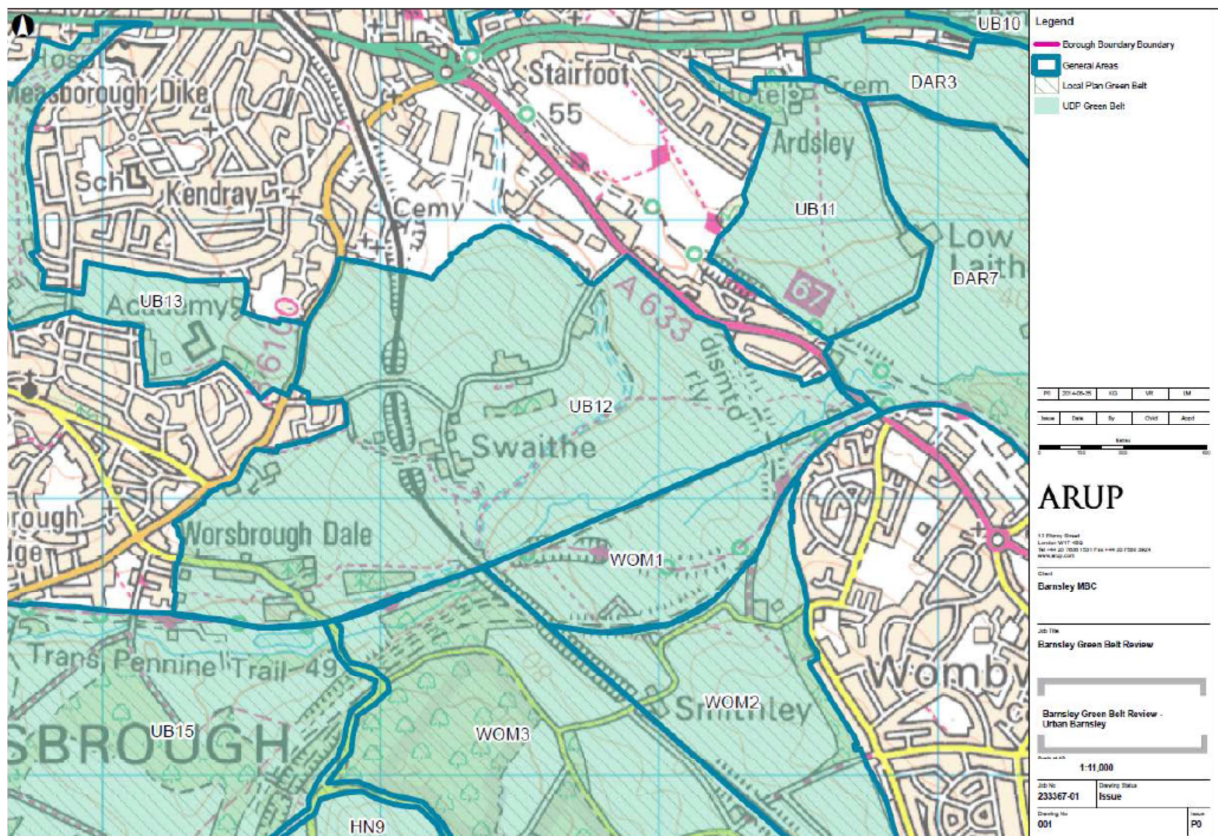
much of which is located in different housing market areas that will be unaffected by development in Urban Barnsley.

Five Green Belt Purposes – Summary

- 3.6 The land at Hunningley Lane does not serve any of the five Green Belt ‘purposes’. A residential scheme at this site would clearly not lead to unrestricted sprawl of the built up area (first ‘purpose’), would not lead to coalescence of any settlements (second ‘purpose’), would not lead to any significant encroachment into the countryside beyond permanent defensible boundaries (‘third ‘purpose’), and it would not harm the setting and character of an historic town (fourth ‘purpose’). There would also be no adverse effect in relation to the fifth ‘purpose’ (urban regeneration) given the site’s location on the edge of Urban Barnsley, which is one of the Council’s main priorities for growth. The proposed development at the Hunningley Lane site would therefore not undermine any of the five ‘purposes’ of the Green Belt.

Barnsley Green Belt Review

- 3.7 Of critical importance to YLL’s proposed development at Hunningley Lane is the Barnsley Green Belt Review, undertaken by Arup and dated August 2014 but which only became available to the public in November. YLL’s site is within a much larger parcel of land assessed by Arup (‘General Area UB12’) in Section 14 of the Urban Barnsley and Royston part of the Green Belt Review. This is shown on the excerpt from page 92 of the same report:



- 3.8 As we explained earlier, YLL's site at Hunningley Lane covers 12.5 hectares. This equates to just six per cent of General Area UB12 which covers some 187.3 hectares of land. YLL's site has not been individually assessed by Arup in the Green Belt Review. It is therefore unfairly tarred by Arup's comments regarding the much more extensive UB12 parcel, namely that the General Area is *'strongly fulfilling the purposes of the Green Belt.'*
- 3.9 The fact that YLL's much smaller site has not been individually assessed is of great concern, particularly given Arup's acknowledgement at the bottom of page 93 and the top of page 94 of the Green Belt Review report that:
- '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 sub-division.'*
- 3.10 We acknowledge that it would have been impractical for Arup to assess each and every parcel of land on an individual basis in the Green Belt Review. However, given the substantial amount of information commissioned by YLL and provided to the Council – including Smeeden Foreman's aforementioned Landscape Statement – we would have expected Arup to have been asked to undertake an individual assessment of YLL's site. If Arup had been asked to carry out that exercise, we are convinced that the findings would have been quite different to the conclusions regarding the much larger General Area UB12, which extends from Urban Barnsley to Wombwell. Whilst General Area UB12 forms a 'strategic gap' between Urban Barnsley and Wombwell, the removal of YLL's Hunningley Lane site would have no material effect on the overall area.
- 3.11 It is perhaps not unexpected that Arup did not recommend the removal of the entire General Area UB12 from the Green Belt. However, given Arup's comments regarding the railway line and the site's other strong boundaries and its close physical relationship with Urban Barnsley – identified in the Local Plan as a focus for development – Arup might well have reached a different conclusion regarding YLL's site.
- 3.12 A letter from Smeeden Foreman dated 9 January 2015, provided as Appendix 11, elaborates on the points referred to above. The letter contains a lot of important information but we particularly wish to highlight the second paragraph on page 3. That part of the letter explains why, in Smeeden Foreman's professional opinion, a reassessment of General Area UB12 – but this time with YLL's site excluded – could achieve a much more favourable score than at present and demonstrate an improvement to the function of the Green Belt in that area.
- 3.13 In the next section of our report we highlight some of our concerns regarding the Council's identified housing supply. We firmly believe that the level of housing supply identified by the Council will not be achieved, which reinforces the need for the Council to allocate further sustainable, deliverable sites which can make up the significant shortfall and meet identified needs in full.

4 WILL THE LOCAL PLAN DELIVER SUFFICIENT HOUSING?

Context

- 4.1 At the outset, we consider it worth highlighting key findings from the Barnsley Housing Study, which we completed on behalf of the Council in January 2014. This will set the context for our observations regarding the level of supply suggested by the Council in the Consultation Draft version of the Local Plan.
- 4.2 As you are aware, the main role of the Barnsley Housing Study was to provide recommendations on the delivery of a broad mix of housing in locations attractive to the market, the findings from which could then be used to inform the allocation of appropriate sites in the emerging Local Plan. We do not repeat the content of our three reports in full here but we do consider it important to highlight some key findings from our work, which are relevant to YLL's site at Hunningley Lane:
- The Council has an aspiration to deliver a 'step change' in the housing quality across the Borough. The reason for the required 'step change' in housing is to help the Council to deliver its Economic Strategy and increase the number and quality of jobs in the Borough.
 - Barnsley is lagging behind the Yorkshire & Humber and national averages in relation to many key economic indicators. The economy is undersized and is too reliant on the public sector and there is a significant deficit in business stock and local jobs. Educational outcomes, while improving, are still behind the national average. Levels of worklessness are high and there is a low skills base. The supply of appropriate development sites, executive housing and available business premises is inadequate.
 - Achieving the ambitious economic objectives that the Council has identified for the Borough will depend on a concerted, multi-pronged, strategic approach. To achieve the required 'step change' in housing, sufficient potential housing land that is attractive to the market will need to be released.
 - Even if all of the non-Green Belt sites that we assessed were to come forward, there would still be a shortfall of several thousand units in relation to the targets.
 - Some Green Belt land will therefore need to be released for residential development in order to achieve the Council's dwelling targets.
 - In order to achieve a necessary level of 'headroom' to account for non-implementation of sites identified in the SHLAA, we advised that around 5,000 to 5,500 dwellings on land that is presently designated as Green Belt are needed over the 2012-2027 period.
- 4.3 We also advised that without releasing land in the parts of the Borough that are attractive to the market, the Council will not achieve its corporate objectives such as delivering a step change in the quality of housing available in the Borough (including the provision of at least 1,200 'executive' homes), attracting new business start-ups

and boosting economic output, attracting and retaining higher skilled residents, and raising educational attainment levels. All of this means that the Council will inevitably have to release a significant amount of land that is presently designated as Green Belt.

- 4.4 As we have explained, YLL's site at Hunningley Lane offers excellent potential for delivering some of the required housing in a sustainable location that is attractive to the market. This is confirmed by the strong interest that has been expressed by a range of prominent national housebuilders. The council has accepted the need to release land from the Green Belt to meet identified needs.
- 4.5 Since we completed the Barnsley Housing Study, the Council has published various reports which reinforce the messages summarised above. Again, to set the context, we highlight the key content from some of those reports, below.

Barnsley Housing Strategy 2014-2033

- 4.6 An officer report was taken to the meeting of the Council's Cabinet on 9 April 2014 in relation to a new draft Housing Strategy covering the period 2014 to 2033. We wish to highlight the following excerpts for ease of reference:
- Para 4.2 explained that five key objectives for housing in the Borough over the next 20 years have been identified. The first two objectives are particularly worth highlighting here, namely the drive to (i) support housing development which creates a thriving and vibrant economy; and (ii) ensure the design and delivery of new high quality, desirable and sustainable homes.
 - Para 5.1 cautioned that without a clear housing strategy it is clear that 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, housing growth and generally providing residents with lower levels of new economic opportunities.
 - Para 5.2 also advised that not progressing the new Housing Strategy would limit housing growth and receipts from Council Tax, New Homes Bonus and Community Infrastructure Levy.
 - Para 6.1 emphasised that one of the key priorities of the Council's Economic Strategy is to create the conditions for economic growth and greater prosperity.
- 4.7 Key parts of the adopted Housing Strategy 2014-2033 that we wish to highlight here are as follows:
- Page 6 outlines the five key objectives for housing referred to above. The first objective has been streamlined to read '*support new housing development*' but the second objective is unaltered:
 - The delivery plan under Objective 1 states that the Council will '*work with developers to make housing developments more economically viable.*'
 - The 'key ambitions' under Objective 1 include '*build c.24,000 new homes i.e. 1,300 per year*'.

- The delivery plan under Objective 2 seeks to increase the number of larger (4 and 5 bed) family/higher value homes, and improve the range and quality of homes available to residents.
 - A 'key ambition' under Objective 2 is to *'build c.2,500 larger family/higher value homes.'*
 - Page 10 highlights a particular shortfall of larger family properties and higher value housing and a need for 20,000 to 25,000 additional dwellings over the 2014 to 2033 period is identified. The same page also states that the Council will encourage the development of larger family housing.
 - There is recognition on page 10 that housing growth is important to ensure a sustainable and thriving housing market which supports Barnsley's economy.
 - Page 13 explains that because there isn't enough land to meet housing targets by 2033, the Borough-wide need for more homes will mean making some *'hard choices about where housing should be built'*.
 - Crucially, the same page also states that in order to meet housing targets, the Council plans to review some Green Belt for housing. The same section recognises that the amount of land likely to be released will represent a small proportion of the current Green Belt land, which covers 77 per cent of all land in the Borough.
- 4.8 It is clear from the new Housing Strategy that there was no softening of the Council's ambitious growth agenda since we completed the Barnsley Housing Study. If anything, there appears to be an even more resolute determination to ensure the delivery of the Council's Economic Strategy, and that this will inevitably require the release of some Green Belt land. The Council rightly recognises in the Housing Strategy that whilst releasing land from the Green Belt is a big decision, the amount of land that will need to be released represents a small proportion of the overall area of Green Belt across the Borough.
- 4.9 It is also notable that the Housing Strategy refers to a need for '20,000 to 25,000 dwellings' over the period to 2033, which represents an increase vis-à-vis the previous figure of around 20,000 dwellings. This reinforces the need to release Green Belt land given that there is only a maximum theoretical potential for around 16,500 dwellings from land outside the Green Belt.
- 4.10 We note that in the Consultation Draft Local Plan, the Council has reverted to a housing target of 20,330 net additional dwellings over the period 2014 to 2033. That figure is at the lower end of the range referred to in the Housing Strategy, and we reserve the right to scrutinise the underlying assumptions in the run up to the Local Plan Examination. However, at this stage we note that even to achieve the lower figure of just over 20,000 dwellings there will be a need to release Green Belt land in sustainable locations, as confirmed by the SHLAA.
- 4.11 We are very concerned that the ambitious growth strategy espoused in the Council's Economic Strategy and the Housing Strategy (and other publications) is not carried through into the Consultation Draft Local Plan. We provide more detail on this below.

Local Plan Consultation Draft 2014

Vision and Objectives

- 4.12 The following vision is put forward on page 4 of the draft Local Plan:

'Working together for a brighter future, a better Barnsley.'

- 4.13 In our view this 'vision' does not adequately reflect the ambitious growth agenda outlined in other corporate publications including the Economic Strategy and the Housing Strategy. Notwithstanding this frustration, however, we note that paragraph 2.4 identifies Urban Barnsley as a focus for growth, which is relevant given the location of YLL's site on the edge of Urban Barnsley.

Approach

- 4.14 In the SHLAA, we advised that the 5,000 to 5,500 dwellings that would need to come forward on land that is presently designated as Green Belt would require about 240 to 310 hectares of land. That estimate was based on realistic gross-to-net ratios and density assumptions. However, paragraph 3.25 of the Local Plan Consultation Draft states *'It is proposed to take out of the Green Belt around 190 hectares of land for housing...'*
- 4.15 We suspect that the reason the Council is proposing to release less land from the Green Belt than we suggested in the SHLAA is due to the assumptions regarding densities and gross-to-net ratios that have now been used. We elaborate on this below.

Spatial Strategy

- 4.16 As noted above, the Core Strategy spatial strategy and settlement hierarchy is carried through into the Local Plan, which means that Urban Barnsley is a priority for growth. This is confirmed in Section 5 of the Local Plan and in Policy LG2 ('The Location of Growth'), which states:

'Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy.'

- 4.17 As we have repeatedly emphasised, YLL's site at Hunningley Lane represents a logical rounding-off of Urban Barnsley, being immediately adjacent to existing housing and with strong, permanent, defensible boundaries.

Housing Chapter

- 4.18 Chapter 12 of the draft Local Plan is of key relevance as it sets out the Council's strategy for meeting its identified dwelling targets. We have a number of serious concerns, however, which we highlight below.
- 4.19 The dwelling target identified by draft Local Plan Policy H1 for the plan period 2014 to 2033 is 20,330 dwellings, which is at the lower end of the range identified in the Housing Strategy. We will scrutinise the underlying assumptions in due course, but we emphasise here that paragraph 47 of the NPPF requires Local Plans to meet the

full objectively assessed needs for market and affordable housing. We urge the Council to ensure that the Local Plan includes a dwelling target that will address identified needs in full.

- 4.20 Following on from the above, we are concerned by the final sentence of paragraph 12.1 of the draft Local Plan. We reiterate that the correct approach is to establish the correct objectively assessed need figure and then identify sufficient sites to achieve that target. This could require the release of additional land from the Green Belt, in which case the first preference should be sites in sustainable locations that are not fulfilling any Green Belt purpose, such as YLL's Huntingley Lane site.
- 4.21 Paragraph 12.5 of the draft Local Plan states that an indicative density of 40 dwellings per hectare ('dph') has been applied to the proposed housing allocation sites, and draft Policy H7 states that '*a density of about 40 dwellings per hectare will be expected.*' Whilst some sites will be developed at that sort of density, some sites will be developed at significantly lower densities. Indeed, if the Council's corporate objectives of diversifying the Borough's housing mix (the 'step change' referred to in numerous Council publications) and increasing the supply of high-quality executive housing are to be achieved, lower-density housing will be needed.
- 4.22 Given the Council's aspirations for a step change in the quality of housing across the Borough, and reflecting conversations with local agents, developers and other actors in the local property market, we applied a range of densities in the SHLAA, as follows:

Table 4.1 Density Rates Used in the Barnsley SHLAA

Site Location Characteristics	Density (dwellings per hectare net)
Identified as appropriate for mainstream housing	35
Identified as appropriate for executive housing	25
Identified as appropriate for high-end executive housing	15

- 4.23 Paragraph 12.5 of the draft Local Plan also states that on sites over 10 hectares, the Council has assumed a gross-to-net ratio of 75 per cent. This is significantly higher than the 60 per cent we applied in the SHLAA for sites over 10 hectares, which reflects published national guidance, our experience around the country and our discussions with housebuilders. In the SHLAA, we applied a gross-to-net ratio of 75 per cent for sites with a gross area of between 2 and 10 hectares.
- 4.24 The Council's use of an average density of 40 dph and a gross-to-net ratio of 75 per cent on the largest sites has the effect of exaggerating the dwelling yields. A spreadsheet produced by YLL is provided in Appendix 9 which contains details of various proposed housing allocation sites in Urban Barnsley as well as one in neighbouring Cudworth. The table shows that, across these example sites alone, the number of dwellings that will come forward is substantially lower than the figures quoted in the draft Local Plan. A summary is provided below for ease of reference:
- Site reference H14: Site West of Wakefield Road, Mapplewell – identified for 413 dwellings in the Local Plan but outline planning application has been granted for

up to 250 dwellings. This results in a shortfall of 163 units in relation to the Council's assumed supply.

- Site reference H21: Site of Former North Gawber Colliery, Carr Green Lane, Mapplewell – identified for 400 dwellings in the Local Plan but approval already granted for 325 dwellings (shortfall of 75 units; also see comments under site reference R1 below).
- Site reference H28: Site of former Priory School, Lundwood – earmarked for 230 dwellings in the Local Plan but approval granted for 192 dwellings (shortfall of 38 units).
- Site reference R1 (LDF reference): approval granted for up to 200 dwellings, which represents a 120-dwelling shortfall for the reasons detailed in YLL's table.
- Site reference H48: Site of former Kingstone School, Broadway, Barnsley – identified for 221 dwellings in the Local Plan, but planning permission granted for 163 dwellings (shortfall of 58 dwellings).
- Site reference H86: Land off Pontefract Road, Cudworth, Barnsley – earmarked for 182 dwellings in the Local Plan, but there is currently an unresolved land/title ownership issue. The site is also in two ownerships with one party in dispute. The deliverability of this site is therefore questionable.
- Site reference H32: Site Adjacent to Carrs Lane/Summerdale Road, Cudworth – identified for 333 dwellings in the Local Plan, but Barratt Homes (which controls the site) advises that 331 dwellings will be delivered (shortfall of two dwellings).
- Site reference H57: Monk Bretton Reservoir and Land to the East of Cross Street, Monk Bretton – earmarked for 213 dwellings in the Local Plan but a detailed layout scheme drawn up by Bellway Homes indicates that only 115 dwellings will be delivered as the site is restricted due to an underground reservoir which remains in use (shortfall of 98 dwellings).
- Site reference H53: Site North of Wilthorpe Road, Barnsley – identified for 394 dwellings in the Local Plan but Persimmon Homes (which controls the site) advises that a maximum of 301 dwellings will be delivered (shortfall of 93 dwellings).

4.25 The examples above, which will result in a shortfall of at least several hundred units, only relate to sites in the Urban Barnsley area. We are aware of significant physical and environmental constraints on sites in other parts of the Borough, and other sites where the number of dwellings already approved is lower than the number identified in the draft Local Plan. One example is site reference MU1 (Land South of Barugh Green Road), which is a huge site with significant constraints including ground condition constraints related to its mining legacy. Substantial Government funding is likely to be required and the lead-in periods will be considerable. These issues cast serious doubt over the Council's predicted levels of delivery at other proposed allocation sites.

4.26 It is therefore very clear, even from the small snapshot provided above, that the Council's delivery figures for the proposed housing allocations in Section 12 of the draft Local Plan are significantly too high and therefore cannot be relied upon. The

delivery of both open-market housing and affordable housing in the Borough will undoubtedly fall a long way short of meeting the identified needs unless further deliverable sites are allocated.

- 4.27 We note in passing that draft Policy H7 refers to a need for ‘*a broad mix of house size, type and tenure.*’ We agree that this is needed but we are disappointed that the draft Local Plan does not advocate the provision of executive housing. YLL’s Hunningley Lane site will deliver good-quality family housing, but there is also a well-documented need for high-quality, low-density executive housing schemes in order to help achieve the Council’s corporate objectives.
- 4.28 The draft Local Plan states that lower densities will be supported where there is ‘*robust supporting evidence*’ (paragraph 12.28), and paragraph 12.43 states that ‘*some new low density, large dwellings*’ will be needed. However, we firmly believe that the clear need for a significant proportion of executive housing at lower densities – which underpinned the Barnsley Housing Study and the Development Sites and Places (‘DSAP’) Consultation Draft 2012 – should be built into the Local Plan as a policy requirement. The DSAP specifically identified a range of sites for low-density housing, reflecting the Economic Strategy, the Housing Strategy and other high-level Council documents which refer to a need for between 1,200 and 2,500 executive homes, in addition to mainstream housing. This provision is missing from the draft Local Plan, but without any apparent justification.
- 4.29 As presently drafted, the Local Plan will predominantly deliver mainstream housing at densities of around 40 dph. This approach is fine for sites such as Hunningley Lane, but it will not meet all identified needs in full as required by the NPPF.
- 4.30 We wish to draw attention to the ‘Interim Views’ of Inspector Stephen J Pratt which were published on 6 November 2014 in relation to the emerging Cheshire East Local Plan. Inspector Pratt’s Interim Views report is reproduced in full at Appendix 10 for ease of reference. Much of the Interim Views report is relevant to Barnsley but we particularly wish to highlight Inspector Pratt’s findings that:
- there is a serious mismatch between the economic strategy and the housing strategy (paragraph 4), which could be a strategy for economic failure (paragraph 33);
 - further work is needed to justify the spatial distribution of development (paragraph 4);
 - there is a disparity with other economic strategies and initiatives (paragraph 35);
 - there is a need to significantly boost housing supply and it is desirable to meet the shortfall as soon as practicable, by increasing housing provision in the early years of the plan period in order to significantly boost the level of housing provision, as per the guidance in para 47 of the NPPF, particularly where there has been persistent under-performance in housing provision in the past (paragraph 59);
 - to artificially restrict the supply of housing land risks a mismatch with the economic strategy and the principles of sustainable development, and could

undermine the national policy of significantly boosting housing supply (paragraph 63); and

- there are significant flaws in both the process and evidence relating to the release of land from the Green Belt (paragraph 87).

4.31 Reflecting Inspector Pratt's findings, the examination of the Cheshire East Local Plan was suspended for at least six months. This very recent example highlights the need for Barnsley's Local Plan to be based on robust evidence and to reflect the economic strategies and other initiatives; to plan for a significant boost in housing provision; and to ensure that the approach to releasing Green Belt land can withstand scrutiny at examination. However, in our assessment the current version of the draft Local Plan also fails to satisfy the soundness tests outlined in paragraph 182 of the NPPF.

5 SUMMARY AND CONCLUSIONS

Observations Regarding the Draft Local Plan

- 5.1 This representation has been prepared on behalf of Yorkshire Land Limited. It provides our observations regarding the Barnsley Local Plan Consultation Draft 2014 and it explains why YLL's site at Huntingley Lane in Worsbrough Dale represents an excellent candidate for housing.
- 5.2 In summary, we have raised serious concerns in relation to various matters including the following:
- the approach to the Green Belt Review, which did not involve an individual assessment of YLL's site, despite the Council having been provided with a wide range of supporting documents outlining the credentials of the site;
 - the amount of land that is proposed to be released from the Green Belt is substantially lower than the figure suggested in the SHLAA, which was based on realistic assumptions regarding achievable densities and gross-to-net ratios;
 - in contrast, the Council is now relying on an average density across all sites of 40 dwellings per hectare, and unrealistic gross-to-net assumptions for large sites, which has the effect of exaggerating the realistic level of housing production;
 - the Council's ambitious economic objectives are not properly reflected in the draft Local Plan;
 - the dwelling target for the overall plan period (20,330 dwellings) is at the lower end of the range quoted in the housing Strategy 2014-2033, and whilst we have not scrutinised the underlying assumptions at this stage, we emphasise paragraph 47 of the NPPF requires Local Plans to meet the full objectively assessed needs for market and affordable housing; and
 - the Council's delivery figures for the proposed housing allocations in Section 12 of the draft Local Plan are significantly too high and therefore cannot be relied upon – this is due to the over-ambitious assumptions referred to above as well as incorrect figures for sites that already have permission and serious constraints affecting other sites.
- 5.3 Consequently, it is clear that the delivery of both open-market housing and affordable housing in the Borough will undoubtedly fall a long way short of meeting the Borough's growth needs unless further deliverable sites are allocated in the Local Plan.

Hunningley Lane Site

- 5.4 YLL's site at Huntingley Lane provides excellent potential for delivering some of the required housing in a sustainable location that is attractive to the market. This is confirmed by the strong interest that has been expressed by a range of prominent national housebuilders, which emphasises that the site is deliverable.

- 5.5 Again, it should be emphasised that the area of land that is under the control of YLL covers around 12.5 hectares, a small fraction of the 187.3 hectares of land assessed in the Green Belt Review under General Area UB12. YLL's site fulfils no Green Belt purpose and it represents a logical rounding-off of Urban Barnsley, which is the main priority for growth in the Local Plan. The site is immediately adjacent to existing housing and it has strong, permanent, defensible boundaries, some of which are recognised in the Green Belt Review.
- 5.6 Accordingly, there is no reason why YLL's site should not be allocated for housing in the Local Plan. The site can deliver in the region of 330 much-needed family houses, which will help the Council to meet its challenging dwelling targets. As well as providing market housing, the proposed development will also deliver a significant amount of affordable housing in a sustainable location. A strategic gap with permanent defensible boundaries will remain in place between Urban Barnsley and Wombwell and so there will be no effect on the role of the Green Belt area between Urban Barnsley and Wombwell.

Conclusion

- 5.7 For the reasons set out in this report, we consider that the draft Local Plan in its current form does not satisfy the soundness tests set out in the NPPF. Fundamentally, the Council has not allocated sufficient land to meet its future housing needs in full and there is a clear disparity between the draft Local Plan and the Council's economic and housing strategies, and other evidence.

APPENDIX 1: RED LINE PLAN



A633

Swaithe

Worsbrough Dale

© 2013 Google
© 2013 Infoterra Ltd & Bluesky

Google earth

Imagery Date: 9/21/2008

53°32'09.99" N 1°26'41.37" W elev 82 m

Eye alt 1.54 km

APPENDIX 2: LANDSCAPE STATEMENT, MAY 2014

HUNNINGLEY LANE BARNESLEY



Landscape statement, May 2014 - Yorkshire Land Ltd



Introduction

Smeeden Foreman Ltd has been commissioned to produce a landscape statement for Yorkshire Land Ltd, which sets out to analyse the landscape within a site adjacent to the B6100 Hunningley Lane, at the south western edge of Barnsley. The land is approximately 12.55 ha in size.

Landscape architects have carried out a desk study and initial landscape assessment on 13.04.2014 to ascertain conditions on site.

In addition, an assessment of the site's Green Belt status and relevant planning and landscape character was also undertaken.

Proposals



Planning context

National planning policy

The National Planning Policy Framework (NPPF) was published in March 2012 replacing Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). Sustainable development is a target in which the environment can play a key role.

'Contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.' Para 7 p2 [6].

The overarching emphasis on sustainable development sets out principles which Local Planning Authorities must reflect in local policy. The following paragraphs from the NPPF are most relevant to landscape and the proposed housing location'.

'Paragraph 58 - Requiring Good Design

The NPPF places an emphasis on good design as a key factor to providing sustainable development. It sets out a list of design objectives.

'Planning policies and decisions should aim to ensure that developments:

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

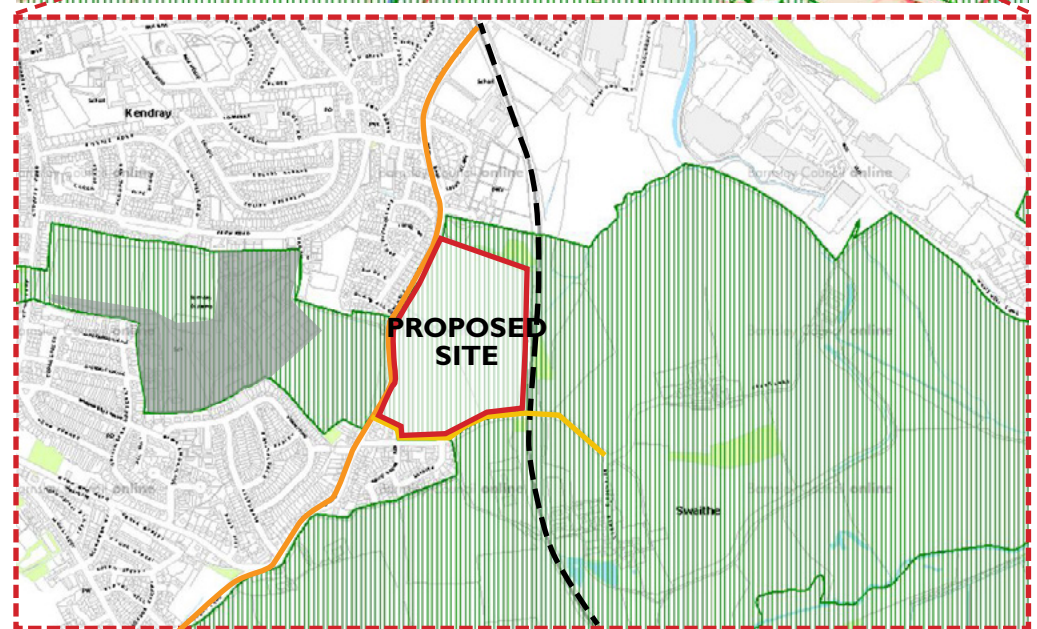
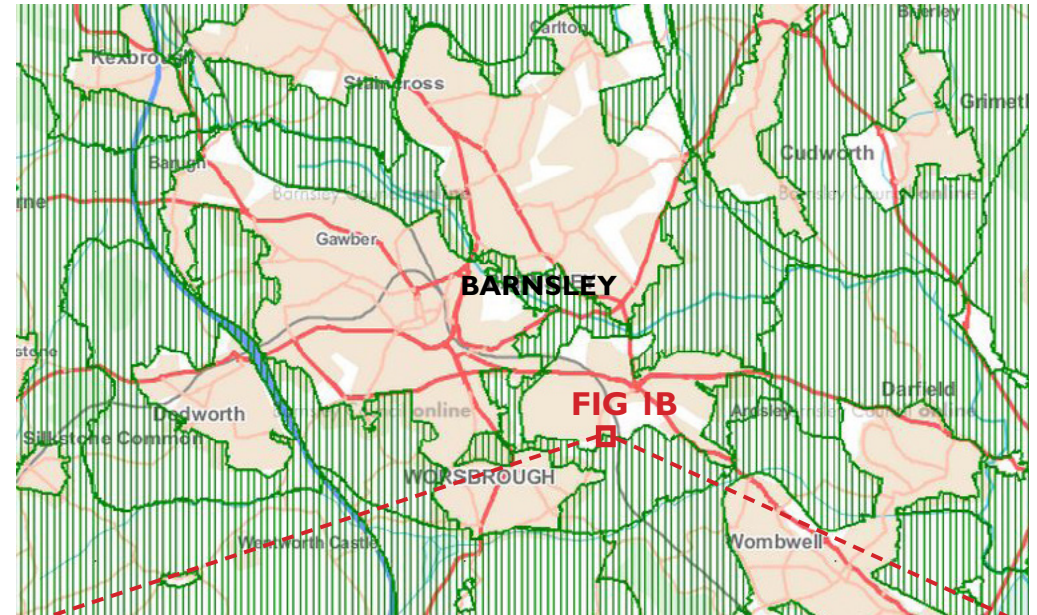
are visually attractive as a result of good architecture and appropriate landscaping'.

'Paragraph 80 - Green Belt

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'.*

Figla: extract from Barnsley council's online map showing current extent of Green Belt in the Barnsley area. (available online: <https://stratus.pbondemand.eu/connect/barnsley/?mapcfg=udp>)



Figlb: extract from Barnsley council's online map showing current extent of Green Belt in the Hunningley Lane area. (available online: <https://stratus.pbondemand.eu/connect/barnsley/?mapcfg=udp>)

Local Green Belt context

Core strategy was adopted by the Council in September 2011, however 9 months later a Council report to Cabinet dated the 4th July 2012 stated:

"Since the adoption of the Local Development Plan (LDF) core strategy, a member led Economy Working Group supported by senior officers has been discussing key priorities for the Borough and these priorities have now been agreed by Cabinet within the Economic Strategy (2012-2033)."

"The Core Strategy was developed between 2008 and 2010 in a very different Economic Climate to now. In terms of land use framework, the Development Sites and Places Development Plan Document (DPD) will play a major role in creating the conditions for Economic growth within the Borough and will underpin delivery of the Councils Economic Strategy."

The Council published the Consultation Draft DPD in July 2012.

The Council affirmed, in the Consultation Draft DPD, that at this stage of the process, it had not allocated any Green Belt land for Housing Purposes; however The Council invited Landowners to:

"Let us know if you have a Green Belt Site that may be suitable for low Density Housing. We will consider sites put forward."

"The Green Belt sites that will be considered most favourably for low density housing are likely to have the following characteristics:

- Their Development would enable the borough to achieve the ambitions of the Economic Strategy in respect of delivering a broader housing mix*
- Their Development would not harm the functions of the Green Belt particularly in respect of checking unrestricted sprawl and preventing settlements merging into each other*
- Development of the site would result in a defensible Green Belt boundary*
- The site has a good relationship with a settlement, has access to facilities and is sustainable, edge of settlement is likely to be preferred*
- The Development represents infilling or the partial or complete redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within the Green Belt than the existing Development*
- Will contribute to the viability of the settlement.*

The Consultation Draft DPD affirmed

"Landowners will have to demonstrate that the site put forward is viable for Low Density Housing. Where a proposal for High Quality, High Value well designed, individual or Low Density dwellings is proposed in Green Belt, the need for that type of property may be considered as a very special circumstance..."

Furthermore the DPD sets out:

"The proposal in the housing section to consider Green Belt sites for Low Density Housing will be in conflict with the National Planning Policy Framework (NPPF). The justification for considering this departure from National Planning Policy is to enable implementation of our Economic Strategy..."

"In Respect of achieving the ambitions in the Economic Strategy, the need for Low Density, High Value Housing in Green Belt may be considered as a very Special Circumstance."

Adopted Barnsley Unitary Development Plan Green Belt Policy

Greenbelt Policy BA9 set out in the Adopted Barnsley Unitary Development Plan States:

"The Primary Purpose of Green Belt in this Barnsley Community Area is to prevent the built up areas merging with the surrounding settlements of Royston, Cudworth, Darfield, Wombwell, Worsborough, Dodworth and Higham, maintaining the separate identity and character of these settlements in relation to surrounding countryside and having particular regard to the landscape features of that countryside. The Green Belt is intended to contain further pressures for encroachment on the countryside."



Photographed at Whitecross Lane looking towards Hunningley Lane sports centre and residential area. Centre left (above) and bottom left of the site (below), you can see the area of scrap machinery and farm waste.

Landscape character

The proposed site is located within the Barnsley urban area between the B6100 Hunningley Lane and the Leeds to Sheffield railway line. The site comprises of arable farmland that runs up to a varied, untidy and fragmented urban edge. There is no clear distinction between the current urban edge and the farmland beyond. Urban development spills over the road in places to give an untidy, convoluted edge.

The proposed site is bounded to the north by a strip of mature woodland and a stream which forms the garden of an existing detached bungalow with outbuildings. Beyond this bungalow, there is a cemetery and a further area of existing urban development. To the east, the Leeds to Sheffield railway line is flanked by mature woodland to either side and forms a strong, logical and defensible boundary. To the west, the site is bounded by Hunningley Lane (B6100 Stairfoot to Worsborough Bridge road). To the south, bounded by Whitecross Lane, the arable farmland runs up to a varied, untidy and fragmented urban edge. Within the southern edge of the site, along Whitecross Lane, there is farm waste and scrap machinery littering the field.

Other development within the urban fringe surrounding the site (between Hunningley Lane and the railway line) includes a primary school to the north, and a farmstead and site of a now demolished school to the south.

Adjacent garden boundaries predominately consist of urban fences and hedges. A wedge of urban green space leading from the southeastern edge of central Barnsley (west of the site) visually connects to open farmland, east of the railway line.

Based on our initial assessment we would judge the landscape in this area to be of a relatively moderate sensitivity and in a relatively poor condition.

Effect of the proposed development on landscape character and Green Belt

Based on our initial assessment, and the proposals which retain a link between the urban green wedge (west) and open land east of the railway line, we believe permission for this development in this area of the Green Belt would not significantly impact upon local landscape character.

Furthermore, we believe the Green Belt would benefit from redefining the existing fragmented and untidy urban edge. Strong boundaries defined by the railway, mature vegetation and areas of existing urban development would result in a strong, defensible and enduring edge to the Green Belt.

Local landscape character would also benefit from the removal of the areas of agricultural dereliction that development of this site would bring.



Assessment



Landform and mitigation

The site is set within sloping land which runs up to a fragmented urban edge, it is therefore well screened by these buildings from long distance views to the west and separated from these properties by a green strip and the B6100.

There is significant existing mature vegetation to the east and north which would visually contain the development in views from these areas.

A proposed green corridor and public open space through the heart of the development would retain a strong open connection between the urban green space to the west and open countryside to the east.

Landscape character and Green Belt

This site has a potential to address a number of landscape character and Green Belt issues currently affecting the local area:

- Unification of the fragmented urban edge
- Creation of a strong, enduring and defensible boundary for the Green Belt
- Reuse of areas of agricultural dereliction

- A retained link between the urban green space to the east and open countryside to the west, improving recreation potential for the area

- Improvement of local urban character and visual amenity through introduction of public open spaces, and new native tree, shrub, and hedgerow planting.

It is therefore concluded that removal of this site from the Green Belt and its development would not impair the 5 key purposes of the Green Belt in the wider area.

Sensitive development proposals for this site could result in an overall gain in terms of landscape character and urban visual amenity due to the retained views and connections, removal of agricultural dereliction, additional trees and shrubs and public open spaces. The landscape and Green Belt would also benefit from a well defined and more defensible urban edge. This would be defined by utilising the railway cutting on the eastern edge of existing urban development to form a new greenbelt boundary.

Green Belt 5 PURPOSES CHECKLIST	HUNNINGLEY LANE SITE
1) Checks the unrestricted sprawl of large built-up areas?	YES - decreases potential for sprawl by being contained within well defined, strong boundaries, (in particular the railway to the east)
2) Prevents neighbouring towns merging into one another?	YES - does not encroach on any neighbouring settlements and helps to unify and consolidate development to create a clear and strong urban edge
3) Assists in safeguarding the countryside from encroachment?	YES - due to strong physical boundaries, this site is a natural end to development in this area. Significant provision for mitigation proposals will help to integrate the development within the landscape. In addition, due to the open green corridor at the heart of the development, a strong connections is retained with the urban green space to the east and open countryside to the west. This site is discrete within an area of medium landscape sensitivity, and the low lying and sloping nature of the existing landform
4) Preserves the setting and special character of historic towns?	YES - will enhance the setting of the area by creating a more unified and defensible urban edge with increased visual amenity of public open space and additional planting of trees, hedgerows and shrubs.
5) Assists in urban regeneration, by encouraging the recycling of derelict and other urban land?	YES - will help to unify a varied, untidy and fragmented urban edge by creating clear and unified boundaries. Furthermore development on this site will help to remedy the problem of the area being cluttered with scrap machinery and farm waste.

APPENDIX 3: ADVOCACY STATEMENT, APRIL 2014

Yorkshire Land Ltd

Land at Hunningley Lane, Worsbrough Dale, Barnsley

Advocacy Statement

4 April 2014





Introduction

This Advocacy Statement is submitted on behalf of Yorkshire Land Limited to support the allocation of land at Hunningley Lane, Worsbrough Dale shown edged red on the aerial photograph. Yorkshire Land has a proven track record in using its land and property assets to deliver housing development within the Borough.

The Hunningley Lane site is some 12.55 hectares in extent (gross site area), is presently in agricultural use and identified as Green Belt in the UDP. It was also shown as such in the Development Sites and Places Consultation Proposals Map for Barnsley. Representations have previously been made to the Council to promote the release of the site from the Green Belt and its use for housing. The site (SHLAA Site Ref 547) was considered and appraised as a part of the Barnsley SHLAA 2013 undertaken on behalf of Barnsley MBC by Peter Brett Associates. The site scored well in this process against the assessment criteria and was found to be deliverable with good achievability and, consequently, could be used in the first five years' supply.

Significantly, the site does not provide any Green Belt purpose and by virtue of its strong sustainability credentials and location in the Barnsley urban area, would be ideally suited as a housing allocation site.

We therefore request that the whole of the site be removed from the Green Belt, included within the settlement boundary and hence recognised as part of the urban fabric of Barnsley and allocated as a site suitable to accommodate a broad range of family homes.

Rationale

The Rt Hon Eric Pickles MP, The Secretary of State for Communities and Local Government's Ministerial Statement 'Housing and Growth' (6 September 2012) confirmed that the Coalition Government's number one priority is to get the economy growing and stated, "We must create the

conditions that support local economic growth and remove barriers that stop local businesses creating jobs and getting Britain building again."

The Barnsley Local Plan (Local Plan) provides an opportunity to confirm how the Council's objectively assessed housing needs will be delivered in the plan period, which is expected to extend until at least 2031.

Council Officers have confirmed in the Barnsley Housing Strategy 2014 to 2033 (to be presented to Cabinet on 9 April 2014) that, "In order to meet our housing targets we plan to review and may reallocate some land for housing that was previously designated as Green Belt as part of the Local Plan making process (we anticipate that this will be less than 1% of the current Green Belt land, which currently makes up 77% of all land in the Borough)." Hence, the Barnsley Local Plan will also necessitate the definition of Green Belt boundaries that will be required to endure beyond the extent of the aforementioned plan period (i.e. beyond 2031).

Paragraph 85 of the NPPF recommends that when defining Green Belt boundaries local authorities should, amongst other things, 'define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.'

In this case, as is clearly evident from the aerial photograph, the land is bound by Hunningley Lane to the north west, White Cross Lane and neighbouring residential properties to the south, the cemetery to the north and the railway line to the east.

In respect of the current Green Belt designation, we conclude that for the following reasons the site does not serve a Green Belt purpose:-

- I. Development of this site would not conflict with the purpose of the Green Belt in preventing the uncontrolled growth of urban areas, in that the site lies within the general framework of the

Barnsley urban area as defined by its topographical and landscape setting.

2. As regards, the issue of coalescence, the nearest settlement to Barnsley in the general vicinity of the site is Wombwell. The physical and visual separation between Barnsley and Wombwell derives from the existence of a significant intervening tract of open countryside beyond the aforementioned landscape features and the topographical character of this intervening area.
3. Development of the site would not compromise the character and effectiveness of the existing separation. Importantly, the Green Belt boundary would correspond with established physical features in the landscape, namely the railway line, the cemetery and White Cross Lane, which would provide a physical demarcation between Barnsley and the aforementioned tract of countryside to the east of the site. These are considered to represent well-established, physical features that are readily recognisable and likely to be permanent and that also reflect the wider topographical setting of the Barnsley urban area.

In this context, the site is not considered to perform any Green Belt purpose and, consequently, we conclude that the land could safely be removed from the Green Belt in the emerging Barnsley Local Plan.

Available

The site is in single ownership and is the subject of legal option agreement. House builders have expressed interest in taking the site forward and are keen to deliver family housing on the site.

There are no apparent constraints to the development of the site. Access can be obtained into the site through the formation of two separate road junctions onto Hunningley Lane

and there are no physical constraints that would preclude its development.

Suitable

The proposed development can make an efficient and attractive use of the land. Although not currently allocated for housing development, the site represents an excellent opportunity for future housing being located within a sustainable location in Urban Barnsley as confirmed in the Barnsley SHLAA 2013.

The Barnsley B6100 Corridor (Stairfoot – Worsbrough Bridge) is an important public transport corridor that is well served by bus services and the site is also within walking distance of local schools and facilities as well as the town centre.

The Institute of Highways and Transport (IHT) document: *'Guidelines for Planning for Public Transport in Developments'* suggests that, "A maximum walking distance to a bus stop should not exceed 400 metres from any dwelling within a site allocated for housing development." The site meets this important requirement and would therefore provide future residents the opportunity to use alternative travel modes to access key local destinations and is therefore suitable for housing.

The site is sustainable being within close proximity of public transport services on Hunningley Lane and to shops, services and community facilities, including The Worsbrough Centre Hunningley Primary School and Barnsley Academy.

An appropriate master planned solution on the site for residential development would be developed to achieve the objectives of the Council's Economic and Housing Strategies and the emerging Barnsley Local Plan, which is expected to seek to deliver the majority of new housing development within the Barnsley urban area.

The site will provide an opportunity for a residential development to come forward offering a range of family housing accommodation in Barnsley thus helping to realise the Council's strategic objectives.

The development would be likely to generate a demand for one primary school place for every four homes and one secondary school place for every eight homes developed. Hence, the development of up to 334 homes on the site would generate a demand for 84 primary school places and 42 secondary school places.

Due to the site's location and the degree of visual containment provided by existing trees and landscape features, development of the site would neither impact adversely upon the setting of Urban Barnsley nor the surrounding landscape.

Paragraph 8.44 of Barnsley MBC's Development Sites and Places Consultation Draft 2012 (Development Sites and Places Document) confirmed the characteristics that Green Belt sites would require to be considered most favourably for housing. With reference to the aforementioned characteristics, the development of the Hunningley Lane site fulfils these requirements because it would:-

- Enable the Borough to achieve its ambitions of the Economic and Housing Strategies in respect of delivering a broader housing mix;
- Not harm the functions of Green Belt of checking unrestricted sprawl and preventing settlements merging into each other;
- Would result in readily recognisable, permanent and defensible Green Belt boundaries;
- Is well related to existing neighbourhoods in Urban Barnsley, is readily accessible to facilities therein and is therefore sustainable; and
- Will contribute to the economic prosperity and viability of Urban Barnsley

The Hunningley Lane site is viable for housing development and strong market interest in the site demonstrates the likelihood of it delivering well designed, family housing development.

Achievable

Whilst the gross site area is 12.55 hectares in extent, largely due to the presence of an open dyke the net developable area represents approximately 70% of the overall site area (c. 8.8 hectares). Thus, if we assume that a density of up to 38 dwellings per hectare could be realised in this urban location, then the site could reasonably be expected to accommodate up to 334 dwellings.

If we assume development of the site by two developers working in tandem and that completions would be at a rate of 50 dwellings per annum, then the development could reasonably be expected to be complete within seven years of commencement.

It is considered that development on this site is achievable and there are no known constraints that would preclude its development.

The proposed development of the site would have a number of significant positive effects for the Borough, including the provision of much needed, quality family housing. The Council's Economic and Housing Strategies recognise the need for emerging planning policies to allocate commercially attractive and market facing sites to deliver the homes that will be required in the Borough from now until 2033.



Highways and Transport

The site can be served from two points of vehicular access onto Hunningley Lane and the associated costs of delivery of the requisite highway infrastructure are not unusual. In the present context, given the indicative net developable area (8.8 hectares) to accommodate development and the assumed yield of up to 334 dwellings, we understand that safe and suitable accesses to the site can be achieved from Hunningley Lane and that development would not have a significant detrimental impact on the local highways network.

Consideration of the wider site access arrangements will be addressed as detailed proposals for development of the site are formulated in coming months. There are no technical highways constraints or extraneous costs associated with delivering the access that would preclude development of the site.

Utilities

The majority of mains services required to serve development are available within Hunningley Lane. Whilst future development will be required to provide new infrastructure, it will also connect to existing services that presently serve the wider area.

Flooding and Drainage

The site is not constrained by flood risk since it is not considered to be at risk from flooding, as highlighted on the Environment Agency's National Flood Risk Map. The form and nature of drainage infrastructure will be informed by prior discussion with the Environment Agency and service providers. There are no known constraints in terms of flooding or drainage.

Ground Conditions

Given the longstanding use of the site as agricultural land there are no known ground constraints or contamination issues.

Trees

Existing trees within the site will be retained where this is practicable. Proposals for the development of this site will include commitment to safeguard the existing alignment of the open dyke and delivering recreational open space. There are no known Tree Preservation Orders on the site.

Ecology

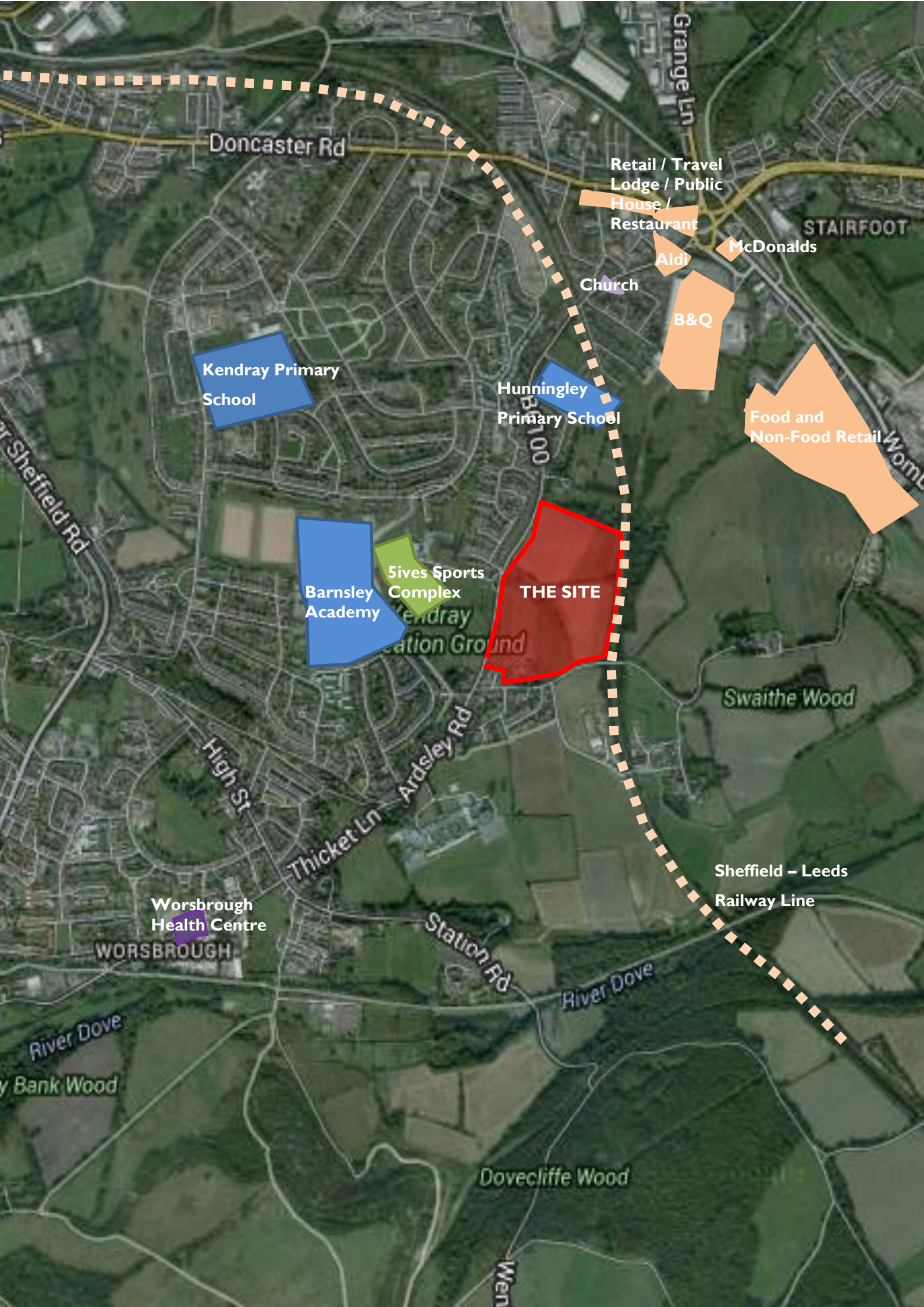
Given the predominant use of the site as agricultural land, ecological interests are likely to be limited. Nonetheless, the aforementioned wooded areas will be retained and ecological assessments will inform the nature of future development and confirm appropriate mitigation measures to safeguard any significant ecological interests.

Cultural Heritage

There is not expected to be any effect on the setting of listed buildings and conservation areas in the area.

Socio Economic Factors

Given the extent of the site, its development for low density high value housing would contribute significantly to economic activity in the area and support the viability of both Barnsley and the Borough as a whole. In addition, our client is keen to work with the Council to confirm arrangements to maximize local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in future development of the site.



Doncaster Rd

Grange Ln

Retail / Travel
Lodge / Public
House /
Restaurant

STAIRFOOT

McDonalds

Aldi

Church

B&Q

Kendray Primary
School

Hunningley
Primary School

Food and
Non-Food Retail

Barnsley
Academy

Sives Sports
Complex

THE SITE

Swaithe Wood

High St

Ardsley Rd

Thicket Ln

Station Rd

Sheffield - Leeds
Railway Line

Worsbrough
Health Centre

WORSBROUGH

River Dove

River Dove

Dovecliffe Wood

Worsbrough Wood

Deliverability

As explained above, there are no known technical matters that should preclude development of the site on a commercial basis. The site is in single ownership and is the subject of an option agreement. Major house builders have expressed interest in taking the site forward and are keen to deliver family housing development on the site.

We have assumed a development density of approximately 38 dwellings per hectare on the proposed allocation and given that the net developable area on the proposed allocation is 8.8 hectares, this would mean that the site could be designed to accommodate up to 334 dwellings.

If we assume development of the site by two developers working in tandem and that completions would be at a rate of 50 dwellings per annum, then the development could reasonably be expected to be complete within seven years of commencement.

Sustainability Appraisal

The Framework (NPPF) sets out the presumption in favour of sustainable development and the Government's key objective to increase significantly the delivery of new homes. The site is sustainable being within close proximity of public transport services on Hunningley Lane and to shops, services and community facilities, including Hunningley Primary School and Barnsley Academy.

When considering the three pillars of sustainability i.e. social, economic and environmental considerations, the site achieves the key objectives of sustainability in all three areas. Sustainable elements of the project are likely to include:

- Provision of quality homes to meet identified needs as recognised in the Council's Economic and Housing Strategies and attracting new residents and increase housing choice in this part of the Barnsley urban area, thus allowing existing residents to stay in the area.
- Creation of increased local employment opportunities through construction jobs, indirect jobs and increased demand for services. *"Estimates suggest that each new house constructed leads to up to 4 extra jobs in the wider economy"* (Home Builders Federation 'Building a Recovery' December 2010).
- Increased expenditure within the local area. The economic rewards of investment in housing are enormous. *"Every £1 spent on house building puts £3 back into the wider economy. And because every new home built creates jobs, it also gets people back into work."* *"But housing offers so much more. A decent home is a fundamental building block to a healthy, independent and dignified life, providing the secure base people need to achieve their aspirations."* (<http://www.homesforbritain.org.uk>)
- Assuming that 334 family homes will be delivered in Council Tax Bands C, D, E and F Hunningley Lane could reasonably be expected to deliver at least £425,666 in Council Tax payments to Barnsley Metropolitan Borough Council per annum.
- Delivery of up to 334 dwellings in Council Tax Bands C, D, E and F and the anticipated quantum of affordable homes at Hunningley Lane would deliver £386,531 in New Homes Bonus payments to Barnsley Metropolitan Borough Council in year one and £2,319,184 in payments over six years.
- Working with the Council to confirm arrangements to maximize local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in future development of the site.
- Delivery of any executive housing in this part of the Borough would also increase the generation of Stamp Duty Land Tax payments to the next Government.
- Environmental, social and economic benefits from developing the site
- Introduction of effective sustainable urban drainage strategy to minimize the risk of flooding and maximise biodiversity.



Conclusions

The site is suitable, available and achievable and hence provides an opportunity for a residential development to come forward and deliver much needed family housing in the Borough thus addressing the ambitions expressed in the Council's Economic and Housing Strategies and anticipated in the emerging Barnsley Local Plan.

The extent of the site will ensure that its development for quality family housing would contribute significantly to economic activity in the area and support the viability of local neighbourhoods in this part of the Barnsley urban area and in the Borough as a whole. In addition, our client is keen to work with the Council to confirm arrangements to maximize local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in future development of the site.

In these circumstances, we would be obliged if you would keep us informed of progress made on publication of the consultation documents for the emerging Barnsley Local Plan.

We would welcome an opportunity to maintain a constructive dialogue with you in coming weeks and months to ensure that the extent of the opportunity available on this site can be realised and deliver new homes and associated economic benefits as soon as possible.

planners | urbanists | architects | landscape | engagement



spawforths

Junction 41 Business Court, East Ardsley, Leeds,
West Yorkshire, WF3 2AB

t: 01924 873873

f: 01924 870777

www.spawforths.co.uk

APPENDIX 4: PERSIMMON LETTER TO BARNSELY COUNCIL, 7 JAN 2015



PERSIMMON HOMES
WEST YORKSHIRE
3 Hepton Court
York Road
Leeds
LS9 6PW

Your Ref:
Our Ref:

Tel: 0113 240 9726
Fax: 0113 240 8967

Planning Policy
Barnsley MBC
PO Box 604
Barnsley
S70 9FE.

7 January 2015

Dear Sir / Madam

**LAND AT HUNNINGLEY LANE, WORSBROUGH
Residential Development Opportunity (SHLAA Ref: 547)**

I write with regard to the above residential opportunity and further to my letter dated 8 May, 2014. The land is currently included in the Barnsley Strategic Housing Land Availability Assessment (SHLAA) (Ref: 547) and has been identified by my Company as a suitable and deliverable residential site which can come forward immediately for development, subject to the necessary policy alterations.

I can confirm that Persimmon Homes is in direct discussion with the landowner about the development of this site at the earliest possible time. My Company has undertaken the necessary technical work to inform a detailed masterplan showing a mix of 2, 3 and 4-bed properties which will deliver a total of 329 much needed family homes.

It is with some disappointment, therefore, that the site has been omitted from the Local Plan Consultation Draft (2014) as we believe the land represents a suitable location for new housing.

The Opportunity

There are no identifiable reasons why the site should not be brought forward immediately for residential development comprising up to 329 new homes subject to removal from the Green Belt and allocation for residential development.

We disagree with the site's retention as Green Belt in the Local Plan Consultation Draft (2014). The site was assessed in the Council's Green Belt Review within UB12; scoring 19 out of 25. We do not necessarily disagree with the assessment of the area as a whole but firmly believe that the site is well contained in Green Belt terms and should be sub-divided and reassessed as in the case of other areas.

The site does not read as part of the wider landscape and is well defined by the railway line to the east which provides a strong, defensible and enduring boundary. We are of the view that, when considered against guidance contained in the NPPF, the site:

- Has a low potential to lead to unrestricted sprawl – due to strong existing boundaries around the site.
- Would not result in the merging of settlements.
- Development of the site would have no effect on the setting and special character of historic features.

Notwithstanding the current Green Belt policy restriction, the site's development would be in accordance with guidance contained within the NPPF in so far as it is:

- Available for development now.
- Suitable: As the site is located within close proximity to key services such as shopping facilities, education, healthcare, recreation facilities and public transport. There are also no obstacles of a technical, physical or environmental nature to prevent the development of this site.
- Achievable: The site is under the control of a major and well financed national housebuilder; as such development of the scheme could take place immediately.

There are no physical, technical or environmental constraints preventing the delivery of this site whilst residential development will also seek to maintain and enhance any biodiversity of interest.

The development of new homes in Worsbrough would assist the Council in meeting its five year housing requirement and provide affordable housing in accordance with the Council's policy requirements.

The site represents an obvious location for a sustainable urban extension to Worsbrough as it is well related to existing residential uses and sustainable forms of transport. The site also has good links to a wide range of shops and services with a number of key facilities within walking distance of the site.

Persimmon Homes is national housebuilder with a reputation for building a range of family housing. This type of housing in this location is in high demand and would assist in meeting the needs of the existing community whilst helping to attract important investment opportunities to the Town.

Summary

The land at Hunningley Lane is a deliverable site and is capable of being developed immediately. There are no technical constraints to the development of this land, which is controlled by a willing seller.

If you require additional information or would like to discuss any of the above matters in more detail please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Hull', with a stylized, cursive script.

Christopher Hull
Strategic Planner

Mob no.: 07825 686368

Email: christopher.hull@persimmonhomes.com

Cc Neil Williams
Dfile
File

APPENDIX 5: DRAFT LAYOUT OF SITE SHOWING 329 DWELLINGS



Hunningley Lane, Worsbrough

Illustrative Layout

Gross: 29.5 acres

Nett: 20.4 acres

329 Dwellings



APPENDIX 6: CONFIRMATION OF INTEREST IN SITE FROM BARRATT AND DAVID WILSON HOMES



David Wilson Homes

Our Ref: JF Hunningley Lane, Worsborough

Thursday 15th May 2014

Mr. Steven Green,
Managing Director,
Yorkshire Land Ltd,
PO Box 785,
Harrogate,
North Yorkshire,
HG1 9RT

Dear Mr. Green,

RE: SHLAA Site 547 - Hunningley Lane, Worsborough, Barnsley

In order to build new homes Barratt & David Wilson Homes Yorkshire West are sourcing sites of all kinds: brownfield and greenfield, urban and rural, with and without existing planning permissions. We are also the largest housebuilder by volume in the UK.

After undertaking a 'Search of the Index Map' via the Land Registry, I understand that you have a legal interest in the above site which is being promoted through the current Barnsley Strategic Housing Land Availability Assessment (SHLAA). The site is 'infill' and is situated in a viable and sustainable location, so I have deemed it as a viable prospect for a future housing allocation.

As you know Barnsley Council is in the process of looking at potential housing site allocations for the future (with Adoption in circa 2016).

Therefore, I would be most interested in discussing the possibility of entering into an agreement with you in order to secure your land for residential development.

For a landowner this generally means receiving a deposit 'up front' together with a commitment from the Barratt to promote the land and secure planning for development. For Barratt, in return, it means securing an opportunity, reducing risk and purchasing land on receipt of a satisfactory planning permission, within a specified timescale.

I do hope this is of interest to you and I look forward to your response with regards to this matter.

Yours Sincerely,


JOEL FRANK BSc (HONS)
LAND MANAGER

J. FRANK

BARRATT & DAVID WILSON HOMES YORKSHIRE WEST
Joel.frank@barratthomes.co.uk

APPENDIX 7: PBA'S SHLAA PRO-FORMA FOR THE HUNNINGLEY LANE SITE

Site Assessment Details

SHLAA Reference	547	Site Name	Land at Hunningley Lane, Worsbrough Dale
Category:	2	Observations	Farmland on edge of village. Together with 579/526, it would provide a significant extension to Worsbrough. Good aspect.
Yield:	212		Site faces some suitability constraints
Density: (per hectare)	25		Site performs well against availability criteria Site performs well against achievability criteria

Suitability Criteria

Access Infrastructure Constraints	A: No constraints identified by Highways Authority
Drainage Infrastructure Constraints	B: Minor constraints identified
Ground Condition Constraints	A: Treatment not expected to be required
Geological / Mining Constraints	A: Not likely to be constrained by geological constraints/mining cavities
Employment Land Constraints	A: Not within an area of defined employment land
Housing Quality Constraints	C: Site can accommodate high quality, low density housing in a location likely to be moderately attractive to the market
Flood Risk Constraints	A: Over 90% of site area is within flood zone 1
Bad Neighbour Constraints	A: Site has no bad neighbours
AQMA Constraints	A: Site not within 800m of an AQMA
Suitability of Location Constraints	C: Site is adjacent to Urban Barnsley
Impact on Grade 1 Agricultural Land	A: Not within an area of Grade 1 Agricultural Land
Other Suitability Considerations	
Comments	

Availability Criteria

Availability Details	A: Held by developer / willing owner / public sector
Site identified through submission process - therefore assume willing owner	
Other Availability Considerations	
	Site is available

Achievability

Achievability Details	3: Good achievability (can be used in five year supply)
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APPENDIX 8: SHLAA MAP 7



Map 7

APPENDIX 9: SPREADSHEET CONTAINING DETAILS OF VARIOUS PROPOSED HOUSING ALLOCATION SITES IN URBAN BARNSELY AND CUDWORTH

BMBC

Proposed Housing Site Density Discrepancies

<u>BMBC Development Site</u>	<u>BMBC Local Plan Policies Map Number</u>	<u>BMBC Development Site Reference</u>	<u>BMBC Indicative Dwellings</u>	<u>Actual Dwellings</u>	<u>Informed By</u>
Site West of Wakefield Road, Mapplewell	Map 9	H14	413 Dwellings	Outline Application Approved for 'up to' 250 Dwellings	2014/0249
Site of Former North Gawber colliery, Carr Green Lane, Mapplewell	Map 9	H21	400* Dwellings	Approved for 'up to' 325 Dwellings	2014/0452
Site of former Priory School, Lundwood	Maps 28 / 29	H28	230 Dwellings	Approved for 192 Dwellings	2014/0853
*Land North Off Lee Lane, Royston	Maps 4 / 10	R1 (LDF Reference)	N/A Employment Site in LDF	Approved for 'up to' 200 Dwellings (SEE NOTE BELOW)	2013/0932
Site of former Kingstone school, Broadway, Barnsley	Map 27	H48	221 Dwellings	Approved for 163 Dwellings	2014/0429

BMBC

Proposed Housing Site Density Discrepancies

Land off Pontefract Road, Cudworth, Barnsley	Map 11	H86	182 Dwellings	?	There is currently an unresolved land/title ownership issue. The site is also in two ownerships with one party in dispute.
Site Adjacent to Carrs Lane / Summerdale Road, Cudworth	MAP 19	H32	333 Dwellings	331 Dwellings	Informed by Barratt Homes who Control this site.
Monk Bretton Reservoir and Land to the East of Cross Street, Monk Bretton.	MAP 18	H57	213 Dwellings	115 Dwellings	Detailed layout scheme drawn up by Bellway homes. Dwelling Yield on this site is restricted due to the continuing use of an underground reservoir by Yorkshire Water.
Site North of Wilthorpe Road, Barnsley	MAP 17	H53	394 Dwellings	301 Dwellings	Informed by Persimmon Homes who control this site

BMBC

Proposed Housing Site Density Discrepancies

** Application 2013/0932 forms part of The Council's Housing site allocation H11 (Land off lee Lane, Royston / 36.70 Ha / 825 Dwellings) Taking the Councils applied density of 40 dwellings per Ha, there is a 120 dwellings shortfall on this site:*

(40 dwellings per Ha x 8 ha = 320 dwellings – permission for up to 200 dwellings = 120 Dwelling shortfall)

APPENDIX 10: INSPECTOR PRATT'S INTERIM VIEWS REPORT, CHESHIRE EAST

CHESHIRE EAST COUNCIL
EXAMINATION OF THE CHESHIRE EAST LOCAL PLAN STRATEGY
INSPECTOR'S INTERIM VIEWS ON THE LEGAL COMPLIANCE AND SOUNDNESS
OF THE SUBMITTED LOCAL PLAN STRATEGY

1. Following the adjournment of the hearing sessions on 3 October 2014, I confirmed that I would inform Cheshire East Council (CEC) about the future progress of the examination. On 22 October 2014, I indicated that I would let CEC have my interim views on the legal compliance and soundness of the submitted Cheshire East Local Plan Strategy (LPS) on the basis of the evidence and discussions so far during the examination. CEC has confirmed that it would welcome such communications with the Inspector.
2. Having considered the submitted LPS, the representations, submission documents, background evidence, hearing statements, legal submissions and the discussions and material submitted so far during the course of the examination, I outline my interim views on the legal compliance and soundness of the submitted plan below. These views are without prejudice to any final conclusions on the legal compliance and soundness of the submitted plan when the examination is completed.
3. The purpose of these interim views is to inform CEC about whether they have met the legal requirements, including the Duty to Co-operate, and whether the approach to the overall strategy, including the economic and housing strategy, objective assessment of housing needs, settlement hierarchy and spatial distribution of development, approach to the Green Belt and Safeguarded Land, and other strategic policies, seems soundly based. These interim views also identify those matters of soundness on which further assessment and evidence is needed before the examination can continue.

A. Summary of interim views

4. In summary, my interim views are that:
 - The Council has met the minimum legal requirements of the Duty to Co-operate;
 - The economic strategy is unduly pessimistic, including the assumptions about economic growth and jobs growth, and does not seem to fully reflect the proposals and initiatives of other agencies and the extent of site allocations proposed in the submitted plan;
 - There is a serious mismatch between the economic strategy and the housing strategy of the submitted plan, particularly in the constrained relationship between the proposed level of jobs and the amount of new housing;
 - There are shortcomings in the Council's objective assessment of housing needs, both in terms of establishing an appropriate baseline figure and failing to specifically take into account and quantify all relevant economic and housing factors, including market signals and the need for affordable housing;
 - The proposed level of future housing provision seems inadequate to ensure the success of the overall economic, employment and housing strategy;
 - The proposed settlement hierarchy seems to be justified, effective and soundly based, but further work is needed to justify the spatial distribution of development, including addressing the development needs of settlements in the north of the district;
 - The process and evidence relating to the proposed amendments to the Green Belt boundary in the north of the district seem flawed, particularly the release of sites from the Green Belt and the provision of Safeguarded Land, and there seems to be insufficient justification for establishing a new Green Belt in the south of the district;
 - Most of the concerns about the content and soundness of other strategic policies can probably be overcome by detailed amendments to the wording of the policies and accompanying text.

B. Legal and Procedural requirements, including the Duty to Co-operate

5. Section 19 of the Planning & Compulsory Purchase Act 2004 (as amended) requires development plans to be prepared in accordance with the Local Development Scheme, to have regard to national policies and guidance and to the Sustainable Community Strategy, and to comply with the Statement of Community Involvement. It also requires the Council to carry out a sustainability appraisal of the proposals in the plan and prepare a report of the findings of the appraisal.

6. The latest Local Development Scheme¹ (LDS) was approved in May 2014, just before the LPS was submitted for examination. The LPS is prepared in accordance with the content and timescale outlined in that document, and is also consistent with the content of the earlier LDS² which was current when the plan was being prepared and published for consultation. I deal with consistency with national policy and guidance later. The submitted LPS also has regard to the vision and priorities for action set out in the Sustainable Community Strategy³. The adopted Statement of Community Involvement⁴ indicates that CEC will consider any representations made on the final plan prior to submission, even though the legislation and associated regulations do not require CEC to formally consider such representations. This was undertaken by officers in the Spatial Planning Team under delegated powers, in consultation with the relevant Portfolio Holder, before preparing a Statement of Consultation outlining the number of representations and the main issues raised⁵. CEC has also produced Self-Assessments of Legal Compliance and Soundness of the submitted LPS⁶, including consistency with the new Planning Practice Guidance (PPG).

Sustainability appraisal

7. The NPPF⁷ confirms that a sustainability appraisal which meets the requirements of the SEA Directive should be an integral part of the plan preparation process and should consider the likely significant effects on the environment, economic and social factors; further guidance is given in the PPG⁸. Sustainability appraisal (SA) has been undertaken at all stages during the preparation of the plan, from Issues & Options through to the Town Strategies, Development Strategy, Policy Principles and Pre-Submission version of the plan, culminating in the Sustainability (Integrated) Appraisal (SIA) accompanying the submitted LPS⁹. This is a comprehensive document which evaluates the predicted social, economic and environmental effects of the policies and proposals in the submitted plan, along with the mitigation required and reasonable alternatives.
8. At the hearings, some participants were concerned that the SA work had not considered alternatives to the North Cheshire Growth Village (NCGV) and the release of sites from the Green Belt, along with mitigation and alternative strategies, including options for higher levels of growth. However, CEC has provided the references to where these matters have been assessed, either in the SIA or in other documents¹⁰. CEC has also considered a wide range of alternative options, not only for the spatial distribution and scale of growth, but also addressing mitigation measures, cumulative impact and assessing alternatives to the NCGV and release of Green Belt sites.
9. However, options involving higher levels of growth above 1,600 dwellings/year (dpa) were not considered through the SA process, since CEC did not consider this as a reasonable alternative. Nevertheless, as part of its forecasting work on the objective assessment of housing needs, CEC undertook a wide range of forecasts involving options up to 1,800dpa and 1.2% jobs growth¹¹, but these were considered to be unrealistic. However, some of these higher levels of development might better reflect the objectives of the preferred strategy, particularly for economic growth and meeting housing needs. The choice of reasonable alternatives for environmental assessment is a matter for CEC's judgement as decision-maker¹², and it has also been held that any shortcomings in this process can be rectified in a subsequent addendum¹³. Nevertheless, there is the risk that the failure to fully assess the social, economic and environmental implications of these higher levels of growth options in the SA work could be subject to subsequent legal challenge, and CEC may wish to consider this matter further.

¹ SD 022

² PS D005

³ BE 049 – Ambition for All

⁴ SD 021

⁵ PS D003.001

⁶ PS B005; PS B004; PS B006b (14)

⁷ National Planning Policy Framework (NPPF; ¶ 165)

⁸ Planning Practice Guidance (PPG; ID: 11-001-025-20140306)

⁹ SD 003

¹⁰ PS D003.002

¹¹ SD019

¹² Ashdown Forest Economic Development LLP v SSCLG, Wealden DC & South Downs NPA [2-014] EWHC 406

¹³ Cogent Land LLP v Rochford DC [2012] EWHC 2542 and PS D008

Plan-preparation process

10. Some parties have raised legal issues about pre-determination, suggesting that the plan's strategy was determined before consultation was undertaken on potential additional sites. CEC has addressed these issues satisfactorily¹⁴. Other parties are concerned about the limited influence that consultation has had on the final plan. Preparation of the plan began shortly after local government reorganisation that established Cheshire East as a local authority in 2010. Consultation was undertaken throughout this process, from Issues & Options and Place-Shaping stages through to the Town Strategies, Development Strategy and Policy Principles, potential additional sites, Pre-Submission plan and finally on the Submission plan. This has been an iterative process, with the plan being modified after each period of consultation, although the basic strategy has remained similar since it was set out in the Development Strategy in January 2013.
11. Both the NPPF and PPG give flexibility in the plan-making process, indicating that future needs and opportunities should be assessed, developing options for addressing these, identifying a preferred approach, and supporting the plan with robust, focussed and proportionate evidence gathered during the plan-making process to inform the plan rather than being collected retrospectively¹⁵. In most cases, this guidance has been followed, with discussions and consultations about options for the strategy and site allocations, before refining the plan as preparation has proceeded. Moreover, the background evidence base is comprehensive, most of which was available as the plan-making process continued. The degree and frequency of consultation is extensive, reflecting the localism agenda, although in some cases, some of this consultation may have had a limited influence on the emerging plan.
12. However, some key elements of evidence (such as the Green Belt assessment) were not completed until after key decisions had been made about the strategy (including the release of Green Belt sites), and other key evidence (such as detailed highway and traffic assessments for some of the larger strategic allocations) has yet to be completed. This seems to suggest that the basic strategy may have been determined and the plan submitted for examination before all the key evidence was in place.

Duty to Co-operate

13. Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended) requires the Council to co-operate in maximising the effectiveness of plan-making, and to engage constructively, actively and on an on-going basis with neighbouring planning authorities and prescribed bodies when preparing development plan documents with regard to a strategic matter. This is defined as sustainable development or use of land which has or would have a significant impact on at least two planning areas, including sustainable development or use of land for strategic infrastructure.
14. The Duty to Co-operate (DTC) is an on-going requirement throughout the preparation of the plan. It does not need to result in agreement between the relevant authorities and prescribed bodies, but local authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their local plan for examination. Effective co-operation is likely to require sustained joint working with concrete actions and outcomes. The DTC is related to the requirements in the NPPF¹⁶, which indicate that planning should take place strategically across local boundaries and confirm that strategic priorities can include the homes and jobs needed in an area, along with infrastructure and other facilities; it also sets out the soundness tests which require plans to be positively prepared and effective. Further guidance on meeting the DTC is given in the PPG¹⁷.
15. CEC has submitted evidence outlining how it has engaged constructively, actively and on an on-going basis with neighbouring local authorities and prescribed bodies during the course of preparing the plan¹⁸. It has identified the main strategic priorities of the strategy, including promoting economic prosperity, creating sustainable communities, protecting and enhancing environmental quality, and reducing the need to travel.

¹⁴ M1.001; Annex 1

¹⁵ Planning Practice Guidance (PPG; ID-12)

¹⁶ National Planning Policy Framework (¶ 156; 178-182) [DCLG; March 2012]

¹⁷ Planning Practice Guidance – Duty to Co-operate (PPG; Ref. ID: 9) [DCLG; March 2014]

¹⁸ SD013; SD014; PS B011; PS B012; PS B020; PS B023

These strategic priorities may not necessarily represent the strategic matters referred to in the legislation, but CEC has identified the cross-boundary implications of these strategic priorities, including meeting development and resource needs, providing infrastructure to meet these needs, and minimising any adverse impacts of the plan's site-specific proposals on neighbouring areas.

16. The supporting evidence sets out the role of CEC and other agencies, along with the methods of engaging with neighbouring authorities and prescribed bodies, including meetings and gathering joint evidence; it also outlines how cross-boundary strategic issues have been addressed. Memoranda of Understanding (MOU) have been completed with neighbouring authorities, including Stockport MBC, High Peak BC, Staffordshire CC and the north Staffordshire authorities; other correspondence confirms the position of neighbouring authorities and prescribed/other bodies. Not all of this was completed by the time the plan was submitted for examination, but the basic position of neighbouring authorities and prescribed bodies was known before submission. Most importantly, this evidence confirms that none of the neighbouring authorities or prescribed bodies considers that CEC has failed to meet the legal requirements of the DTC.
17. In terms of cross-boundary development needs, CEC approached neighbouring authorities to ascertain whether they would be able to meet some of CEC's housing needs, but none could assist. Moreover, as far as CEC is concerned, the plan fully meets the objectively assessed need for housing and employment development within its area. At a late stage in the plan-making process, CEC agreed to provide 500 dwellings to meet some of the housing needs of High Peak BC; concerns about the justification for this provision are more related to the soundness of this element of the plan, rather than any failure to co-operate. Apart from this provision, there are no known outstanding housing needs of other authorities which have to be met within Cheshire East. Information is emerging about possible difficulties of the Greater Manchester authorities in meeting their longer term housing needs, but no figures, options or possible strategies are currently available.
18. A key element of cross-boundary planning is the extent of the appropriate strategic housing market area. However, most parties agree that Cheshire East is a reasonably self-contained area, subject to recognising the links with Cheshire West & Chester, Greater Manchester and north Staffordshire and the existence of more localised housing market sub-areas within Cheshire East. Migration patterns and linkages between Cheshire East and adjoining areas have also been considered. There are serious challenges to CEC's objective assessment of housing needs, but these relate more to the soundness of the plan rather than to the DTC.
19. CEC has considered cross-boundary economic issues and employment land needs, including strategic sites, employment land provision, travel-to-work areas, socio-economic linkages and commuting issues. The employment land proposals in the LPS address the needs of Cheshire East, but have regard to employment provision outside the area, including growth at Manchester Airport. CEC has considered Green Belt issues, including proposals to release land within Cheshire East from the Green Belt. However, a review of Cheshire East's Green Belt came relatively late in the plan-making process, after initial decisions were made on the need to release sites from the Green Belt. CEC did not undertake a strategic review of the wider Green Belt (including land within adjoining authorities) since adjoining plans were at different stages and CEC could not make proposals relating to land outside its boundaries. This is an important issue in terms of the soundness of the LPS, which is dealt with later, but does not necessarily represent a failure of the DTC.
20. CEC has considered cross-boundary regeneration issues, including the impact of proposed development on the regeneration of the Potteries/North Staffordshire. Cross-boundary issues relating to highways, transport and infrastructure have been considered, although some work remains outstanding. CEC has also co-operated and engaged with adjoining authorities about cross-boundary minerals and waste issues, as well as the possibility of meeting the needs of gypsies and travellers¹⁹.

¹⁹ SD013; SD014; M1.001

21. Some parties are concerned about the timing and degree of engagement and co-operation with some neighbouring local authorities, including Stockport MBC (SMBC) and the north Staffordshire authorities. Although SMBC agreed a MOU with CEC, this was completed before they made their formal representations on the submission plan; the MOU sets out the areas of agreement, but does not indicate points of disagreement. SMBC's representation on the submitted plan sets out details of the process of consultation and engagement between CEC & SMBC, and questions whether CEC has had adequate regard to SMBC's concerns during the plan-making process. It also raises concerns about the release of land from the Green Belt, particularly at Handforth East, and the cross-boundary infrastructure implications of such releases, particularly on the road network in and around Stockport, along with possible references to meeting some of SMBC's Gypsy & Travellers needs. These latter concerns largely relate to the soundness of the strategy and the site-selection process, but concerns about the process of consultation and engagement between CEC & SMBC may have some validity.
22. Although there were a few meetings with SMBC during the earlier stages of plan preparation and consultation at the relevant stages, CEC did not begin active engagement with SMBC until mid-2012 when the possibility of releasing land from the Green Belt at Handforth East was first mentioned. At that time, no full review of the Green Belt had been undertaken, either including or excluding the Green Belt areas in Stockport. Following consultation on the Town Strategies (which included the possibility of releasing Green Belt land at Handforth East), SMBC raised concerns about the emerging strategy, but most constructive meetings did not take place until March-July 2013, after CEC had made its initial decisions on the Development Strategy (January 2013) and before consultation on potential additional sites and meetings in late 2013/early 2014.
23. The general impression is that full collaboration and engagement between CEC & SMBC did not take place in a meaningful way until the initial strategy of the LPS had been decided. The meetings and engagement that took place did not significantly influence the strategy, apart from amendments to the extent and boundary treatment of Green Belt releases. Of course, the DTC is not a duty to agree, but there are several significant outstanding concerns and points of disagreement, not only about the principle of releasing land from the Green Belt at Handforth East, but also about the cross-boundary implications and infrastructure requirements of this proposed development. Many of SMBC's concerns relate to the planning merits, soundness and infrastructure requirements of this major proposal, but this suggests that CEC did not engage with SMBC at an early enough stage in the preparation of the LPS to ensure that the plan was as positively prepared as it could have been.
24. Similarly, active engagement with the North Staffordshire authorities came rather late in the plan-making process, after initial decisions had been made on allocating land for employment and housing development near the county boundary at Alsager. These meetings resulted in some amendments to these proposals, including the amount of housing and the phasing of employment, but did not significantly influence the overall strategy or the selection of the proposed sites. CEC points out that it is difficult to undertake meaningful engagement without some specific proposals, but earlier co-operation and engagement could have influenced the strategy and site-selection process and resulted in a more positively prepared plan.
25. Some parties are concerned about the degree and effectiveness of co-operation with Cheshire West & Chester Council (CW&CC), particularly about Middlewich, a town which straddles the boundary between the two authorities. CW&CC's Local Plan, currently being examined, includes a specific policy (STRAT 7) which establishes the principle of close working with CEC for considering land allocations in CW&CC's area adjoining Middlewich, enabling the possibility of cross-boundary provision if necessary in the future. However, at present, both authorities intend to fully meet their development needs within their respective areas and neither relies on the other to meet some of their development needs within the current plan period. This situation has recently been confirmed in a joint statement²⁰.

²⁰ PS D003.003

26. Other parties are concerned about the apparent lack of consultation with other authorities in the Greater Manchester area, and a failure of the plan to have regard to key developments on the northern fringe of Cheshire East (such as Woodford Aerodrome) or specific proposals and initiatives of the Local Enterprise Partnership (LEP). However, CEC has engaged with these bodies at various times during the preparation of the plan and is aware of these major developments and initiatives. The status and timescales of the adjoining development plans do not assist joint working with CEC or the gathering of joint evidence.
27. Most of the prescribed bodies have been involved in the plan-making process, including Highways Agency, Environment Agency, Natural England and English Heritage. However, even though the Highways Agency expressed some concerns about the impact of proposed developments on the strategic highway network during consultation, work is now in hand to rectify these shortcomings, with agreed joint funding of studies²¹. Meetings have also been held with other county and district planning authorities to discuss particular highway issues. Recent meetings with other prescribed bodies have resulted in agreement to detailed amendments to some of the policies and text of the plan²², and these bodies raise no issues relating to the DTC. Since many of the outstanding concerns have been resolved, albeit after submission, this does not suggest any fundamental shortcomings in the DTC process as far as these bodies are concerned.
28. In considering the legal requirements of the DTC, my main concern is the nature, extent, effectiveness and timing of co-operation and engagement during the earlier stages of plan preparation; this particularly relates to the positive involvement of neighbouring authorities in influencing the overall strategy and site-selection process and considering the cross-boundary implications of some of the strategic allocations, particularly on the northern and southern fringes of Cheshire East. The nature, timing and extent of collaboration and engagement with neighbouring authorities as part of the DTC suggests that the plan-making process was not as positively prepared as it could have been. However, although key issues relating to the release of land from the Green Belt and the cross-boundary implications of such proposals remain outstanding, I consider that CEC has engaged constructively, actively and on an on-going basis with neighbouring authorities and prescribed bodies, particularly during the later stages of plan-making, and has therefore complied with the minimum legal requirements of the Duty to Co-operate. In coming to this initial view, I have had regard to the relevant legal submissions and legal cases addressing the DTC²³, along with the guidance in the NPPF and PPG highlighted earlier.

C. Planning for Growth, including housing and employment requirements

The case for growth and the economic strategy

29. The overall development strategy of the LPS is stated to be one of growth, with the headline of providing 27,000 new houses by 2030 and 20,000 new jobs in the longer term; this latter objective is clarified in the supporting evidence, with the plan aiming to provide only 13,900 new jobs within the current plan period²⁴. The principle of the growth strategy is widely supported, but the rate of growth is largely dependent on economic growth. The plan envisages jobs growth averaging 0.4%pa and growth in economic output averaging 2.4%pa (GVA), but local plans tend to have more influence over jobs growth than growth in economic output or productivity. Although the expected growth in economic output may exceed the Borough's long-term average and UK growth between 1999-2010, the level of jobs growth is rather pessimistic, being little more than that achieved in the recent years of economic recession and less than that achieved in pre-recession times; figures show that some 20,000 new jobs were delivered in Cheshire East in the 10-year period between 1998-2008, and GVA growth rates were higher before the recession than those envisaged in the LPS.
30. CEC refers to various economic forecasts using a range of economic models, but the preferred estimates have used rather pessimistic and cautious assumptions of job growth rates (0.4%pa), which do not reflect the longer-term aspirations of the LPS

²¹ PS D003.004

²² PS B015ab; PS B016a-d

²³ including *Zurich v Winchester CC* [2014] EWHC 758; PS D008; PS D011

²⁴ Local Plan Strategy Submission Version: (¶ 1.27); SD019

and other agencies, such as the LEP. During the preparation of the plan, various alternative strategic growth and spatial distribution options were considered, but options providing more than 1,600dpa (20,600 jobs) were not assessed by the SA work since they were not considered realistic. However, when modelling a wider range of scenarios, CEC considered options involving jobs growth of up to 1.2%/year (47,900 jobs) and 1,800dpa (25,900 jobs)²⁵. Some of these options may better reflect the more optimistic aspirations of the economic strategy of the LPS, as well as the economic initiatives and assumptions of other agencies. Furthermore, CEC's assumptions about future employment envisage increased economic activity rates for older people, related to the deferral of state pension age. Although there is some evidence that employment rates in this age group may increase, the assumptions used in the estimates are somewhat over-optimistic, again depressing the need for new houses for new, and younger, employees.

31. Moreover, there seems to be a significant mismatch between the aims of the plan and the number of new jobs that could potentially be created by the proposed site allocations. The LPS proposes at least 300ha of new employment land, mainly on strategic sites and business parks in and around the main towns, largely justified by the Employment Land Review²⁶. In fact, the LPS actually indicates that over 350ha is likely to be provided, to give choice, ensure delivery and recognise the need for a mix of development²⁷. Although these figures have to be offset by future job losses, these allocations have the potential to provide over 22,000 new jobs solely in B1, B2 & B8 sectors. This is substantially greater than the number of new jobs the LPS aims to provide (13,900) and takes no account of other new jobs that may be provided in town centres and other sectors, such as retailing, commercial uses, education, health, tourism, leisure and transport. Not only does there seem to be a mismatch between the proposed number of jobs and the amount of employment land to be allocated, but by focusing on a restricted range of business uses, the LPS fails to consider other opportunities for job provision and growth.
32. There also seems to be a disparity between the level of employment envisaged in the LPS and the supporting evidence. Central to the economic strategy is the focus of employment development at the principal town of Crewe. Initiatives such as "*Crewe – Engine of the North*" and "*Crewe – a High Growth City*" envisage between 22,000-34,000 new jobs up to 2030, whilst "*All Change for Crewe*" envisages 14,500 new jobs at Basford and Crewe town centre alone²⁸. The LEP's economic strategy²⁹ also envisages the provision of 10,000 new jobs by 2031 as part of the Crewe – High Growth City project. Crewe may also play a key role in gaining economic benefits from HS2, but these will probably come later in the plan period. CEC explains that many of these initiatives are set out in promotional documents which use optimistic figures of job creation; but they have been successful in attracting external funding, including Local Growth Fund and associated infrastructure, and the LPS should fully recognise the potential jobs and opportunities that these initiatives may generate.
33. The relationship between economic growth and new housing is complex, but as many participants have said, this could be a strategy for economic failure; in other words, by failing to provide the necessary numbers of new houses for the new employees, the economic strategy will not be realised without significantly increased rates of commuting into the area, which is neither sustainable nor desirable. Cheshire East has a strong economy which has performed well even in periods of recession, and the main reason for assuming more pessimistic rates of jobs growth seems to be to depress the overall need for new housing, and thus the level of likely migration into the district. I am left with the impression that the preferred level of new housing and the aim to avoid increased migration into the district has constrained the assumptions about economic and jobs growth, resulting in a mismatch between the economic and housing strategies and failing to achieve CEC's economic aspirations.

²⁵ SD019

²⁶ BE 009

²⁷ Local Plan Strategy Submission Version: Appendix A

²⁸ BE047; BE122; BE128

²⁹ BE124

34. There are also other proposals and initiatives on the northern fringe of Cheshire East which may not have been fully considered in the preparation of the LPS. These include the *Atlantic Gateway* project promoted by the LEP; although this focuses on the east-west waterways and motorways along the Deeside/Merseyside corridor, it does impinge on the northern fringe of Cheshire East. There are other strategic economic proposals related to Manchester Airport, as well as other schemes being promoted along this corridor. Key elements of the LEP's economic strategy related to Crewe (the *High Growth City*) and its relationship with other neighbouring towns, and the *North Cheshire Science Corridor* may not have been portrayed in the LPS as the LEP envisages. The plan may also pay less attention to the need for land for logistics uses, although this is heavily dependent on accessibility to the strategic road network.
35. All this suggests that the economic strategy of the LPS may be unduly pessimistic and may not be as comprehensive as it could have been. Plans should be realistic and yet aspirational, but in view of the apparent disparity between other economic strategies and initiatives, the pessimistic assumptions about the likely rate of jobs growth, and the constrained relationship with the level of housing provision, I can see some serious shortcomings in the economic strategy of the submitted plan, which in reality, may not actually represent a sustainable and deliverable strategy for growth.
- Housing strategy, including objective assessment of housing need*
36. The LPS housing strategy proposes a minimum of 27,000 new houses between 2010-2030, with an additional 500 dwellings to meet some of the needs of High Peak BC. The basic provision averages at 1,350dpa, but is to be phased over 5-year periods, ranging from 1,200-1,500dpa. This provision is to be made by taking account of completions and commitments since 2010 (40%), along with new strategic site allocations and strategic locations proposed in this plan, with the balance being provided in the subsequent Site Allocations Local Plan. CEC considers this level of housing provision will meet the full objectively assessed housing needs of the area.
37. The NPPF³⁰ advises authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing (OAN) in the housing market area, as far as is consistent with the policies set out in the NPPF. They should also prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The scale and mix of housing should meet household and population projections, taking account of migration and demographic change, addressing the need for all types of housing, including affordable housing, and catering for housing demand. The starting point for establishing the OAN is the latest demographic projections, but adjustments may have to be made to take account of economic and housing factors, including market signals and affordability. Further guidance is provided in the PPG³¹ and, in assessing this aspect of the plan, I have considered the legal submissions on this matter. In determining the OAN, various assumptions and judgements have to be made, and it is not for me to substitute my judgement for that of CEC; nevertheless, I have to assess whether these assumptions and judgements are soundly based.
38. CEC has adopted a forecast-led approach to establishing housing need in the district, having undertaken a considerable amount of work in a variety of documents³², which has been peer-reviewed. Neither the NPPF nor the PPG³³ specifies a particular methodological approach, data or single source of information, but recommend a standard methodology to ensure that the assessment findings are transparently prepared. It is for CEC to consider the appropriate methodology, but this should be comprehensive, addressing all relevant factors, and be consistent with the guidance in the NPPF & PPG. The general methodology used by CEC, using "POPGROUP" and related models, is generally agreed. In line with the PPG, the starting point is the latest DCLG household projections (the 2011-based interim household projections); extended to 2030, most parties agree that the initial base figure is 1,180dpa³⁴.

³⁰ National Planning Policy Framework (¶ 17, 47, 50, 159, 178-182)

³¹ Planning Practice Guidance (ID: 2a) [DCLG; March 2014]

³² Mainly set out in SD019 & PS B006b-c

³³ Planning Practice Guidance (ID: 2a) [DCLG; March 2014]

³⁴ PS B014c

39. However, some of the supporting evidence is unclear and confused, variously referring to this figure as the OAN, or alternatively a higher figure of 1,350dpa, or a lower figure of 845dpa³⁵. More recent evidence³⁶ explains that 845dpa is a baseline figure to accommodate demographic change, which is then uplifted by 40% to reflect market signals and economic forecasts, resulting in an OAN of 1,180dpa; this figure is further uplifted to 1,350dpa to establish the housing provision figure, taking into account the overall strategy and economic objectives. This general approach is not inconsistent with the guidance in the PPG³⁷, but the original evidence is neither clear nor accurate in its approach to determining the OAN and does not quantify key elements of the assessment. I can also see shortcomings in the approach of establishing the OAN.
40. Firstly, dealing with **demographic factors**, in the evidence submitted with the LPS, CEC has not undertaken its OAN in the way in which now seems to be accepted as a result of recent legal cases³⁸. The approach adopted uses a series of forecasts with a range of options, rather than establishing the OAN before determining the housing provision figure. It does not explicitly address all the demographic, housing and economic factors set out in the NPPF & PPG, or indicate how all these factors have been taken into account. Much of this work was undertaken when the process of establishing the OAN was being clarified by the courts, but there are several important stages and factors which are not clearly set out and are strongly disputed by other parties. Later evidence attempts to overcome these shortcomings, but this is done on a retrospective basis with further assumptions and amendments to the estimates, which are not clear or fully explained. At the hearings, CEC accepted that if it was starting afresh, it might not have undertaken the OAN in this way; this suggests that an approach which more closely reflects the latest guidance in the NPPF & PPG may be a more reliable and appropriate way of establishing the OAN.
41. Secondly, the forecasts use a series of questionable assumptions and figures. The NPPF & PPG indicate that the initial projections may need to be adjusted to reflect factors affecting local demography and household formation rates which may not be captured in past trends. However, the process of reducing the initial estimate from 1,180-845dpa is questionable; this process was not undertaken in the Cheshire West & Chester Local Plan projections, which use a similar approach. Even though this lower figure simply reflects more recent ONS mid-year population estimates, with updated figures on births, deaths and migration, it is not clear how it was calculated and it may not provide a robust basis to establish the OAN. CEC seems to suggest that this is an alternative estimate to the higher figure, as another important baseline scenario, rather than the base figure itself. I also understand that the more recent 2012 sub-national population projections indicate a need for 1,025dpa. It therefore seems to me that further clarification about the base figure used to establish the OAN is needed in order to ensure that the process is robust and soundly based.
42. Thirdly, CEC has assumed that household formation rates will stay constant after 2021, based on the 2011 interim household projections, explaining that the impact of economic recovery on household formation has been too modest to offset longer-term factors and pointing to recent economic and other trends which may constrain future household formation. However, the PPG advises³⁹ that household formation rates may have been suppressed historically by past under-supply and worsening affordability of housing; as household projections do not reflect unmet housing need, local planning authorities are advised to take a view based on available evidence about the extent to which household formation rates are or have been constrained by supply. DCLG also advises that housing requirements beyond 2021 should assess whether the household formation rates in the area are likely to continue⁴⁰.
43. Since the 2011 projections were strongly influenced by a period of economic recession and housing market volatility, the numbers of households that formed in the years running up to the 2011 Census may have been significantly below the long term trend; hence a partial return of household formation rates to longer term trends

³⁵ SD019 (eg. ¶ 2.4-2.12 & Table 1); Local Plan Strategy Submission Version (¶ 8.8)

³⁶ M3.001; PS B006bc; SD019; PS D003.009

³⁷ Planning Practice Guidance (ID 2a: 015-017-20140306) [DCLG: March 2014]

³⁸ Gallagher Homes Ltd & Lioncourt Homes Ltd v Solihull MBC [2014] EWHC1283 and Hunston Properties Ltd v Secretary of State for Communities & Local Government [2013] EWCACiv1610

³⁹ Planning Practice Guidance (ID 2a: 015-017-20140306) [DCLG: March 2014]

⁴⁰ PS D003.014

(particularly for household-forming age groups) could be considered. Although it may not be appropriate to use previous figures from the 2008-based household projections, CEC has considered some alternative models which assume some growth in household formation after 2021; these may represent a more appropriate and robust basis on which to estimate future housing need.

44. Migration rates are another contentious factor. CEC uses short-term data for the period 2006/07-2009/10, which may be an appropriate starting point. However, historic rates of in-migration during the past decade may have been constrained by economic factors and the under-delivery of new housing; CEC's own figures show significant reductions in in-migration between 2010-13, but acknowledge that internal migration may increase as the economy recovers and more opportunities arise in Cheshire East, even though this may be partly offset by migration to other areas by existing residents. By using figures from the last decade, the LPS is continuing the levels of migration associated with a period of economic recession and limited availability of new housing, rather than those associated with a more buoyant economy and more new housing.
45. Turning to the relevant **housing factors**, Cheshire East would seem to represent an appropriate strategic housing market area, provided that the strong links to Cheshire West & Chester, Greater Manchester and north Staffordshire are recognised, along with the distinct housing sub-markets within Cheshire East itself⁴¹. CEC has completed and updated its Strategic Housing Market Assessments (SHMA)⁴² on this basis, but these largely address the need for affordable housing; other than referring to the latest DCLG projections, they include no objective assessment of the overall need for market and affordable housing, as required by the NPPF. However, since much of this information is included in other background evidence, this may not represent a fundamental flaw in the process.
46. The SHMA takes account of a range of market signals, including house prices, rents and affordability, whilst other evidence addresses the past rate of development and overcrowding. However, it is not clear how the results of these assessments have been taken into account in the OAN estimates; they are not specifically referred to in the background forecasts and no direct action seems to have been taken to address these factors in the assessment of overall housing need. CEC merely says that the SHMA evidence has been a factor in providing a higher level of housing provision than the OAN indicates, and assumes that the uplift from 845-1,180dpa will provide sufficient headroom to accommodate market signals, affordability and other housing factors; but these are not quantified to any degree. The 1,180dpa figure is also little different from the constrained level of provision adopted in the previous RS⁴³.
47. Affordability is a key issue in Cheshire East, with an annual need for over 1,400 units in the first 5 years. Although this may not represent a delivery target, CEC introduced the concept of meeting "priority need" for about 460 units/year at a late stage in the plan-making process. However, this fails to recognise the overall need for affordable housing in the area, and the OAN is not specifically increased to address this factor or other market signals. Although there is a range of initiatives and proposals to provide affordable housing in addition to that delivered through market housing, the proposed level of housing provision will fall well short of meeting the overall need for affordable housing and may not fully meet priority needs; recent provision of affordable housing has averaged around 280 units/year, and the LPS would only provide for an average of 405 affordable units/year from market housing sites.
48. Furthermore, the assessment does not specifically consider the need for housing for older people and those with special needs, as advised in the PPG⁴⁴. CEC has started to include C2-type accommodation within the housing supply figures, but this is not matched by any up-to-date assessment of need, even though some information is now available⁴⁵. Consequently, I am concerned that CEC's assessment of housing need may not have properly taken account of these important housing factors, particularly market signals and the need for affordable housing.

⁴¹ PS B0014c

⁴² BE001; BE002

⁴³ North-West Regional Spatial Strategy

⁴⁴ Planning Practice Guidance (ID:2a-021-20140306)

⁴⁵ PS B026

49. Turning to **economic factors**, the relationship between new housing and economic growth is complex. I have already commented that the assumed economic activity rates, both for economic and job growth, are unduly pessimistic. CEC's assumed growth in jobs for the OAN (1,180dpa) is only 0.2%pa; this is well below past employment growth rates, even in times of economic recession (0.7%pa), below official employment forecasts (0.6-0.9%pa), and below the latest projections of the CHWEM⁴⁶ and LEP (0.8%pa). To use such an artificially low rate of jobs growth at the OAN stage would not reflect current and past performance and would tend to artificially depress the need for new housing to meet the needs of future employees. This suggests that the basic assumptions about future economic growth for the OAN are far too pessimistic and do not reflect likely trends or available evidence.
50. CEC has also made some unduly optimistic assumptions about increased economic activity of older people, partly as a result of deferred state pension dates. This approach assumes that some of the extra workforce will come from the over-60s; this has the effect of depressing the need for housing for new workers, and assumes that older people work longer. It is difficult to find evidence for the likely impact of this change; it seems to be based on local forecasts rather than national OBR data, and has only recently formed part of the OAN calculations. Both the unduly pessimistic assumptions about job growth and the optimistic assumptions about the future economic activity rates of older people have the effect of artificially depressing the need for new housing for new employees. This is a high risk strategy which could result in the failure of the economic strategy of the plan at the expense of increased and less sustainable in-commuting.
51. All these factors support my initial view that the objective assessment of housing need may be too low and should be uplifted to reflect the evidence and trends of both the economic and housing markets. The failure to explicitly reflect all the relevant factors outlined in the NPPF & PPG is a serious shortcoming in CEC's assessment of the OAN. CEC points out that a similar approach was used in the Cheshire West & Chester Local Plan (CW&CLP), but the estimates and approach were not exactly the same, and there are differences between the economies and housing strategies of each area.
52. CEC considers the **proposed housing provision figure**, averaging at 1,350dpa, is sufficient to take account of the policy factors associated with the LPS strategy, including the growth of jobs envisaged, but it is only one of several options considered. At earlier stages in the plan-making process, an option providing 1,600dpa was considered most likely to deliver the necessary economic growth, as well as achieving higher levels of affordable housing, reducing out-commuting and best achieving the necessary funding for new infrastructure⁴⁷; but this was rejected in favour of a lower level of housing and jobs growth. The figure of 1,350dpa has remained constant from the earliest stages of plan-making, through to the Development Strategy and Pre-Submission versions of the plan, despite more up-to-date population and household projections. Although this figure is above that previously required by the former RS (1,150dpa; constrained by policy), it is below the estimates based on the earlier 2008-based household projections (1,435dpa), and may not fully reflect the plan's economic strategy and the need for new housing.
53. Moreover, being based on jobs growth of only 0.4%, it would fail to reflect CEC's own evidence which suggests that job growth rates of 0.7% or even 1.2% would better achieve the plan's economic objectives. In this context, it is difficult to accept CEC's view that future job growth rates above 0.4% would be implausible, since this does not reflect the fact that Cheshire East has achieved longer-term growth rates of 0.7% in the past and higher rates of growth may be expected as the recession recovers.
54. The proposed level of housing development may represent a noticeable increase in the rate of housebuilding when compared with recent years, but it is less than that achieved in the pre-recession period, even when the level of housing provision in Cheshire was limited by RS policy constraints. The average level of proposed provision is less than 15% above the suggested OAN (1,180dpa), and may not provide sufficient headroom to ensure that the overall economic and housing strategy is successful. Put simply, it seems that the level of future housing provision has been

⁴⁶ Cheshire, Halton & Warrington Econometric Model

⁴⁷ SD017; ¶ 5.2

artificially depressed to avoid high levels of in-migration into the area, which could result in unsustainable patterns of movement and put at risk the success of the economic strategy.

55. Turning to **housing supply factors**, the assessment of the 5-year housing land supply is one of the most contentious issues in Cheshire East, leading to several planning appeals being allowed, partly due to an apparent lack of a 5-year supply of housing land. Moreover, the latest assessment of housing land supply⁴⁸ has been successfully challenged in recent planning appeals. However, it is important to recognise the differences between assessing 5-year supply when making decisions on individual planning applications or appeals and when preparing local plans; for the former assessment many local plan proposed allocations may be excluded from the supply, since they are not yet allocated or committed.
56. The LPS aims to overcome this situation, by proposing new strategic housing sites to ensure and maintain a continuous supply of new housing land over the plan period, including releasing some land from the Green Belt. This is shown in the housing trajectory, but detailed information that provides the basis for this trajectory has yet to be assessed on a site-by-site basis. Discussion about particular sites has not yet taken place, but there is some evidence to suggest that CEC may have made some rather optimistic assumptions when considering the lead-in times and build-out rates of some of the strategic sites, and it is unclear whether the phasing envisaged reflects the information in the SHLAA; this may affect their timing, delivery, viability and deliverability. Further evidence on this issue will need to be provided to ensure that the plan fully meets the identified housing requirement throughout the plan period.
57. The PPG confirms that the Strategic Housing Land Availability Assessment (SHLAA) should establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as Green Belt⁴⁹. CEC has undertaken a comprehensive SHLAA⁵⁰, which identifies a healthy supply of potential housing sites (almost 50,000 dwellings), far in excess of that proposed in the LPS. CEC explains that many of the sites were identified early in the plan-making process and are now considered unsuitable or undeliverable within the plan's policy framework; many are isolated sites or within the Green Belt, and CEC's more realistic estimate of potential sites suggests a capacity closer to 25,000 dwellings. Nevertheless, the current SHLAA indicates a potential to provide higher levels of housing than currently proposed, subject to site-specific and policy considerations.
58. In terms of past provision of housing, there are two concerns; firstly, the shortfall in provision in the early years of the current plan period (2010-2014), and secondly, provision in the years before the current plan period began. To address the first concern, CEC proposes to spread this under-supply (over 2,500 dwellings) over the rest of the plan period (2014-2030) (the "Liverpool" approach), although the plan could accommodate this under-supply within the next 5-years of the plan period (the "Sedgefield" approach). Since this latter approach is recommended in the PPG and is usually adopted in appeal cases, I can see few arguments against using this approach in the LPS. In the context of recent under-provision of housing, there is clearly a case to meet this shortfall as soon as practicable. Although it would increase housing provision in the early years of the plan period, it would reflect the guidance in national policy to significantly boost the level of housing provision⁵¹. Comparisons with other local plans which have adopted the "Liverpool" approach may not have fully acknowledged the particular circumstances and housing markets in these cases.
59. In order to significantly boost housing supply, the NPPF requires a 5% buffer to the 5-year housing supply; where there has been a persistent under-performance in housing provision in the past, this figure should be increased to 20%. The PPG⁵² confirms that the approach to identifying a record of persistent under-delivery is a matter for the decision maker, having regard to the relevant factors. Although overall housing provision between 2003-2010 met the targets of the former RS, annual provision

⁴⁸ BE006

⁴⁹ Planning Practice Guidance (PPG; ID: 3-044/045-20140306)

⁵⁰ BE005; PS B006b

⁵¹ NPPF (¶ 47)

⁵² Planning Practice Guidance (PPG; ID:3-035-20140306)

between 2008-2014 fell well short of the former RS and LPS targets⁵³; this may have been due not only to the economic recession, but also to the moratoria on new housing in some of the former districts of Cheshire East, based on the previous Cheshire Structure Plan. Prior to the LPS plan period, the overall RS target had been met, but since 2008 there has been a consistent record of under-delivery for a continuous period of 6 consecutive years. The accumulated shortfall is substantial and in such circumstances it would seem that a 20% buffer for the 5-year supply would be appropriate, as found in recent appeal decisions; this would not increase the total level of housing provision, but bring forward sites programmed later in the plan period. It would also reflect the national policy to boost significantly the supply of housing; the housing trajectory would need to be adjusted to reflect this position.

60. The submitted plan does not specifically take windfall developments into account, which have formed a significant contribution to housing supply in the past, or prioritise brownfield land over greenfield sites. CEC has provided some evidence on this approach⁵⁴ and, even though no specific allowance for windfall sites has been made, such developments will be taken into account if and when they come forward during the plan period; estimates range from 3,200-5,548 units over the period of the plan, including windfalls within the urban areas of Crewe and Macclesfield, and this position should be clarified in the plan. Although windfall sites, by definition, cannot be identified, the SHLAA has consistently included all small sites, and it is important to avoid double-counting in terms of windfalls; a specific policy (Policy SE2) encourages the efficient use of land and also includes criteria for future windfall developments.
61. Other evidence⁵⁵ assesses the likely contribution from brownfield sites; whilst many of the proposed strategic allocations are on greenfield sites, significant provision is envisaged from previously developed land within the main towns and key service centres. The NPPF encourages the use of previously developed land, but there are no targets or policy requirements to enforce the development of brownfield land before using greenfield sites. As CEC says, there may be a finite and diminishing source of such sites in the future and, taken as a whole, the plan seems to strike an appropriate and realistic balance between encouraging the development of brownfield sites, whilst proposing some development on greenfield sites in order to deliver the required supply of new housing. However, further clarification may be needed on this matter, particularly about the scale of brownfield development likely to be delivered from site allocations within the existing built-up areas of towns like Crewe, Macclesfield and Middlewich.
62. The proposed phased delivery of housing over the plan period, from 1,200-1,500dpa, seems to be largely based on delivery, Green Belt, infrastructure and economic factors. There is little other specific evidence to justify this stepped approach to housing delivery, which was removed from earlier versions of the plan. This approach may reflect the position in the early years of the plan period, when the rate of housing development has not met expectations, and gears up to deliver higher growth later, but could constrain the provision of new housing during the plan period, particularly when the current backlog also has to be met. I recognise that the housing market may take time to adjust to increased levels of provision following the economic recession, and some sites cannot come forward until new roads and infrastructure have been provided. However, there is also evidence that some sites could come forward earlier, as well as increased market interest in developing suitable sites, with a strong housing demand.
63. Without phasing, there may be some concern about the impact of new housing development on the southern fringe of Cheshire East on the regeneration of the Potteries (which seems to be a longstanding policy stemming from the former RS), but there seems to be no specific or recent evidence to justify such a restriction. To artificially restrict the supply of housing land risks a mismatch with the economic strategy and the principles of sustainable development, and could undermine the national policy of significantly boosting housing supply. Consequently, the proposed phasing element of the strategy does not seem to be fully justified.

⁵³ BE006; Table 1; PS B006b

⁵⁴ BE006; PS D003.011

⁵⁵ BE041; PS D003.011

64. CEC has undertaken work examining the viability and deliverability of development proposed in the plan, testing various scenarios and geographical locations, including the costs of various policy standards and requirements⁵⁶. These assessments confirm that the development of most sites over much of the district is likely to be viable, particularly for greenfield sites, including the 30% target of affordable housing, although brownfield and other sites in some areas might struggle to meet this target; this is confirmed in the evidence of recent housing schemes, some of which have not achieved the expected levels of affordable housing. Nevertheless, provided that the policy recognises viability factors and allows some flexibility, and given that there is a range of other measures and initiatives to provide affordable housing by other means (including 100% social housing), the viability and deliverability of the proposed housing provision has been addressed in the supporting evidence.
65. As for flexibility, CEC points to the likely overall provision of new housing land, with the LPS actually envisaging over 29,000 new houses being provided to meet the minimum requirement for 27,000 houses in the period to 2030⁵⁷. If the provision figure was soundly based, this would give some headroom to provide the choice and flexibility to ensure the delivery of the minimum provision figure, although there could be concerns about the deliverability of some specific sites. However, with a higher provision figure, it might not meet all the required housing needs.
66. As regards **cross-boundary housing provision**, the LPS makes some provision to meet some of High Peak BC's housing needs, but this decision was made relatively late in the plan-making process. This provision may partly reflect the degree of functional inter-relationship between the two districts, including economic, migration and transport links, but there is little specific evidence to support this number of houses (500 dwellings), which would not fully meet the total shortfall in housing provision for High Peak. The justification for such provision seems to be based largely on accepting the physical, environmental and policy constraints in High Peak. But equally, there are constraints in Cheshire East, including Green Belt, and land is proposed for release from the Green Belt to meet Cheshire East's housing needs. Timing is suggested to be towards the latter end of the plan period, but there are no details about where and how such provision will be made, or how it fits in with the housing strategy for High Peak. Consequently, whilst this element of the plan may be positively prepared, it does not seem to be fully justified or effective.
67. Other issues relating to cross-boundary provision have been addressed earlier under the DTC; apart from High Peak, there are no outstanding housing needs from other authorities which have to be met in Cheshire East and no other authority needs to make provision to meet any of CEC's housing needs. Longer term issues of housing need in the Greater Manchester conurbation have yet to be identified or resolved.
68. CEC has considered **alternative levels of housing provision**, both higher and lower than the proposed provision figure. However, only after submitting the plan does it seem to have fully considered the alternative estimates put forward by other parties or acted on the criticisms of its approach. These alternative estimates of housing requirements do not represent marginal adjustments to CEC's preferred figure, but raise fundamental differences of opinion and approach, which result in estimates of over 40,000 dwellings compared with CEC's figure of 27,000. In my view, these alternative estimates should have been fully considered, along with the assumptions and issues raised, well before the LPS was finalised and submitted for examination. In fairness, I also have to record that other participants consider the overall housing provision figure is much too high, suggesting a figure of nearer 20,000, but do not submit detailed evidence or projections to support their view.
69. Consequently, on the basis of the evidence and discussions during the examination so far, I consider there are serious shortcomings with the Council's objective assessment of housing need and the preferred housing provision figure. These suggest that further work needs to be undertaken to assess the housing need for the area in a way which explicitly addresses all the relevant factors outlined in the NPPF & PPG, using assumptions which are robust and realistic, and which better reflect the inter-relationship with the plan's economic strategy.

⁵⁶ BE003; BE042

⁵⁷ Local Plan Strategy Submission Version: Appendix A

Settlement hierarchy and spatial distribution of development

70. The settlement hierarchy set out in Policy PG2 comprises Principal Towns, Key Service Centres, Local Service Centres and other rural settlements, and is largely justified in the supporting evidence⁵⁸. The determining factors include population, the number of households and retail units and amount of employment, along with services, transport and accessibility, reflecting the existing role and function of the centre; these factors have been tested and updated. Minor changes to the text of the policy and the accompanying text, as suggested⁵⁹, including more accurately reflecting the growth strategy for individual settlements, would clarify the situation.
71. There is no dispute that the largest towns in Cheshire East, Crewe and Macclesfield, are appropriately designated as Principal Towns in the hierarchy. Similarly, most of the towns designated as Key Service Centres (KSC) and Local Service Centres (LSC) are appropriate and justified. Some parties consider Congleton should be elevated to the status of a principal town, but it is considerably smaller than Crewe and Macclesfield and has fewer retail units and employment. Others consider there should be an upper tier of KSCs, including the larger towns of Congleton, Wilmslow, Sandbach & Nantwich, but there is no clear differentiation in the role and function of these settlements and this would unduly complicate the hierarchy.
72. Some question whether Handforth should be designated as a KSC, but given the range of existing facilities, this is the function it performs (which has little to do with the proposals for the NCGV). Others consider settlements such as Alderley Edge and Holmes Chapel should be KSCs, but these are smaller in size and do not have the full range of facilities. Similar factors apply to smaller settlements, such as Wybunbury and Rode Heath, which some contend should be designated as LSCs. Earlier versions of the plan had a separate category of "sustainable rural villages", but it is difficult to differentiate between these smaller settlements and it makes the hierarchy too complicated⁶⁰. These settlements contain few services, with limited access to public transport and few employment opportunities; their ability to accommodate further development will be considered at the Site Allocations stage. Consequently, the settlement hierarchy seems to be justified, effective and soundly based.
73. The proposed spatial distribution of development set out in Policy PG6 is justified with a range of evidence⁶¹, and has evolved during the preparation of the plan. Various alternative spatial options and levels of development were considered when the Issues & Options, Town Strategies and Development Strategy were prepared and assessed through the SA process, and the allocation of development to specific towns was a major feature at the consultation stage of the Town Strategies. The main factors influencing the spatial distribution of development include the settlement hierarchy, development opportunities, infrastructure capacity, policy constraints (including Green Belt), physical constraints, sustainable development, deliverability and viability, sustainability appraisal, vision and strategic priorities, consultation responses and other material factors. The main issue is whether the proposed distribution of development properly reflects these factors.
74. There is little dispute about directing most new development to the principal towns of Crewe and Macclesfield; indeed, some suggest that more development should be directed to these towns. Crewe has the lion's share of new development, but any greater amounts could raise deliverability issues given the infrastructure constraints, particularly access and roads; although the inclusion of site allocations outside Crewe at Shavington within the figures for Crewe is questionable. Further development at Macclesfield could be limited by Green Belt and infrastructure constraints. Higher levels of development are generally directed to those towns which are unaffected by Green Belt constraints, and some imbalances between new housing and employment allocations are mainly explained by existing development opportunities/commitments.
75. The main concern is the limited amount of development which is directed to the towns in the north of the area, particularly Handforth, Poynton, Knutsford and Wilmslow, but this is largely explained by Green Belt constraints; but even here, there are significant

⁵⁸ BE046; PS B006b

⁵⁹ PS D003.012

⁶⁰ PS D003.013

⁶¹ including PS B006b; SD003; SD015; SD18-19; SD007; BE005; BE046; BE054; BE056-76; BE083-099; BE100

releases of land from the Green Belt (including the NCGV). Development in other Green Belt settlements (like Congleton and Alsager) is largely directed away from the Green Belt. However, although an almost endless list of permutations of the spatial distribution of development could be drawn up, I am concerned that the proposed distribution may not fully address the development needs and opportunities at all the towns and settlements, particularly those in the north of the district.

76. These settlements are confined by the existing Green Belt, but there is also a need to promote sustainable patterns of development⁶², which address the future housing, employment and other development needs of these settlements. The limited amount of new housing proposed in Green Belt settlements such as Poynton, Knutsford and Wilmslow is very contentious; the proposed levels of housing at these settlements will not meet their needs, and insufficient consideration seems to have been given to how these needs will be met. Many potential sites were assessed during the preparation of the LPS, but specific options which envisage the development of smaller sites within the built-up area or on the fringes of these settlements do not seem to have been fully considered. Whilst this could be reconsidered at the Site Allocations stage, it may have unduly influenced decisions to release larger Green Belt sites in the LPS.
77. It is also unclear as to whether CEC considered a spatial distribution option related to the existing population distribution and future housing needs of each settlement. Moreover, in some cases, the total amount of housing development proposed at some settlements has already been exceeded by existing commitments and proposals in the LPS, leaving little room to make further allocations at the Site Allocations stage⁶³.
78. Consequently, some further work may need to be undertaken to review and fully justify the proposed spatial distribution of development. Although the LPS is essentially a strategic plan, focusing on strategic allocations, such work may need to examine the possibility of releasing smaller-scale sites in and around the fringes of existing towns and settlements, including those in the Green Belt, to inform further work at the Site Allocations stage.
79. Some parties consider that the overall amount of development for the LSCs should be apportioned between each of the settlements. However, this is a matter more appropriately considered in greater detail at the Site Allocations stage, particularly given the relatively limited amount of development which is likely to occur at these smaller centres. Others consider that higher levels of development should be directed to the smaller rural settlements, and possibly disaggregated to each of these settlements. However, some of these settlements are very small, there are many of them, and they will probably only accommodate a limited amount of development; these matters are best considered at the Site Allocations stage.
80. It therefore seems to me that although the settlement hierarchy is appropriate, justified and soundly based, some further work may be required to justify the proposed spatial distribution of development, particularly to address the development needs and opportunities of the Green Belt settlements in the north of the district.

Green Belt & Safeguarded Land

81. The approach to the Green Belt and Safeguarded Land, particularly the release of such land to accommodate new development, is a contentious element of the LPS. The submitted plan proposes to release 16 sites, mainly in the north of the district, from the Green Belt, either for housing and/or employment development (over 200ha) or as Safeguarded Land (over 130ha), as well as establishing a new area of Green Belt to the west, east and south of Crewe. Detailed Green Belt boundaries will be defined on the Local Plan Policies Map, either in the LPS or the Site Allocations Local Plan.
82. The NPPF (¶ 82-85) confirms that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation and review of the Local Plan; it also advises that new Green Belts should only be established in exceptional circumstances and sets out the factors to be considered. CEC has provided evidence to justify its approach⁶⁴; this identifies that the exceptional circumstances needed to justify altering Green Belt boundaries are essentially the

⁶² NPPF (¶ 84)

⁶³ PS B025c

⁶⁴ SD015; BE011; BE012; PS B006b

need to allocate sufficient land for market and affordable housing and employment development, combined with the significant adverse consequences for patterns of sustainable development of not doing so, since it is not practicable to fully meet the development needs of the area without amending Green Belt boundaries. However, it seems to me that both the process and the evidence may be flawed.

83. Firstly, I recognise that a wide range of evidence has influenced the release of particular sites from the Green Belt⁶⁵. However, although the possibility of needing to release land from the Green Belt was raised during consultations on the Issues & Options and Town Strategies, and was firmed up in the Development Strategy in January 2013, the specific evidence justifying this approach was not completed until September 2013, well after these decisions had been made⁶⁶. The Green Belt Assessment influenced the final plan to a limited degree, but in several cases, it does not support the release of specific sites from the Green Belt; 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.
84. In line with the NPPF, the evidence includes a sequential assessment of options for development on land outside the Green Belt, including channelling development towards towns and villages inset within the Green Belt boundary, to locations beyond the Green Belt boundary, towards the urban area within the Green Belt, and reducing the overall amount of housing and employment development. This reveals that less than 17% of the new dwellings needed can be accommodated in the Green Belt settlements in the north of the district, despite them having over 36% of the total resident population and a pressing need for new housing. However, the study does not always seem to have considered the impact of releasing smaller-scale sites on the fringes of existing settlements or whether the opportunities presented by new road schemes and their boundaries could have enabled selected releases of land between the existing built-up area and the new roads.
85. Furthermore, there are several shortcomings with the evidence itself. Firstly, it does not consider all the purposes of the Green Belt, omitting the contribution to urban regeneration and preserving the setting and special character of historic towns. Although the latter purpose may apply only to historic towns like Chester, the impact on urban regeneration, particularly in the north of the district and beyond, does not seem to have been fully addressed; CEC says that it applies equally to all parcels of land, but this may not be the case. Secondly, 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.
86. CEC confirms that the study did consider the significance of Green Belt land on the northern edge of the district to the wider Green Belt in adjoining areas, such as Stockport. Some parties suggest that a full strategic review of the Green Belt in the wider area should have been undertaken, but the status and timescale of the relevant development plans may make this difficult, particularly since CEC cannot make proposals to develop land outside its area. Nevertheless, since the study did not specifically assess this wider area of Green Belt and adjoining local authorities seem to have had little influence on the terms or extent of the study, this may suggest that it was not as positively prepared as it could have been.
87. It therefore seems to me that these are significant flaws in both the process and evidence relating to the release of land from the Green Belt, particularly given the recent clarification of national guidance on the significance of the Green Belt⁶⁷.

⁶⁵ PS D003.016

⁶⁶ BE012

⁶⁷ Planning Practice Guidance; (ID: 3-044/045-20141006)

88. As for Safeguarded Land, there is some evidence to justify the release of the overall amount of safeguarded land, being partly based on the potential amount of land that may be required for development beyond the current plan period; earlier versions of the LPS included a much larger amount of safeguarded land (260ha). Subject to the LPS fully meeting its objectively assessed needs for development, there should be no need to consider bringing forward Safeguarded Land for development during the current plan period. CEC does not consider it is appropriate to forecast development requirements post-2030, citing a range of further options to accommodate future development needs; but these could apply equally to the current plan period, as well as in the longer term. Similarly, although the Green Belt Assessment does not recommend which sites should be released, it does not always support the release of specific areas of land from the Green Belt. This may suggest that other factors were more important than their significance in Green Belt terms.
89. Some of the Safeguarded Land adjoins proposed site allocations for development, suggesting that these sites may eventually accommodate a larger scale of development in the longer term. Further smaller-scale areas of safeguarded land may also be identified at the Site Allocations stage, but the criteria for making such designations is not set out. Although the identification of Safeguarded Land would ensure that Green Belt boundaries would not need to be altered at the end of the current plan period, some further justification about the scale of Safeguarded Land proposed and the release of particular sites, both in the LPS and Site Allocations Local Plan, is needed before the approach could be considered sound.
90. The justification for a new Green Belt in the south of the district seems to stem largely from the perceived risk of Crewe merging with Nantwich and other smaller settlements as a result of the proposals for growth and development in and around the town; it is not promoted as a compensation for Green Belt land lost in the north of the district. The proposal is supported by adjoining local authorities in North Staffordshire⁶⁸ and by some local communities. Some of the area is currently covered by a Green Gaps policy in the adopted local plan, which will continue to apply until detailed Green Belt boundaries are defined; but CEC considers this policy is not strong enough to resist development pressures, quoting several appeal decisions.
91. The justification for establishing the new Green Belt is set out in the New Green Belt and Strategic Open Gaps Study⁶⁹, but there seem to be a number of shortcomings in this approach. Firstly, although the evidence addresses the criteria that have to be met⁷⁰, it does not explicitly identify the exceptional circumstances needed to establish the new Green Belt. Secondly, the LPS only seeks to establish an area of search for the new Green Belt, covering a large swathe of land to the south, west and east of Crewe, leaving detailed boundaries to be defined in the subsequent Site Allocations Local Plan; the area of search extends much further than that currently covered by the Green Gaps policy, which may not be fully justified, and earlier versions of the plan envisaged a much smaller area of Green Belt. Thirdly, it seems to ignore the fact that significant areas of new development are proposed within the area of search for the new Green Belt (such as at Shavington and on the edge of Crewe); indeed, CEC has granted planning permission for several housing developments within this area of search. Furthermore, since Crewe has been a location for development and growth in the past and the scale of growth now proposed is not significantly different to that in the previous local plan, this does not seem to represent a major change in circumstances to justify establishing a new area of Green Belt; it could also constrain further growth around Crewe in the future.
92. Until recently, the existing Green Gaps policy has been successful, and has only come under threat when 5-year housing land supply has been a decisive issue. Moreover, since the existing Green Gaps policy would apply between Crewe, Nantwich and other surrounding settlements until detailed Green Belt boundaries are defined, this would help to prevent the erosion of existing gaps between settlements; and since the North Staffordshire Green Belt is already established to the south of Crewe, there is little risk of the town merging with the Potteries conurbation. There seems to be little evidence to suggest that normal planning and development management policies (including the

⁶⁸ PS B023

⁶⁹ BE011

⁷⁰ NPPF (¶ 82); M6.1.001

Green Gaps policy) would not be adequate, provided that a 5-year supply of housing land is consistently maintained. Having considered all the evidence, factors and discussions on this matter, there seems to be insufficient justification to establish a new Green Belt in this locality.

Other strategic policies

93. During the hearings, other strategic policies in the plan were discussed. For the most part, concerns about the content and soundness of these policies could probably be addressed by detailed amendments to the wording of the policies and accompanying text, as discussed at the hearings. These do not seem to raise such fundamental concerns about the soundness of the submitted plan.

D. Future progress of the Local Plan Strategy examination

94. The Council will need time to fully consider the implications of these interim views, since they may affect the future progress of the examination. In these circumstances, it may not be appropriate to resume the hearing sessions in early December 2014, as currently suggested.
95. As far as the future progress of the examination is concerned, there seem to be several options available to the Council:
- a. Continue the examination on the basis of the current evidence;
 - b. Suspend the examination so that the necessary additional work can be completed and considered before proceeding with the remainder of the examination;
 - c. Withdraw the Plan and resubmit it for examination when all the necessary consultation and supporting justification and evidence has been completed;
96. If Option (a) is chosen, it is likely that, on the basis of the evidence submitted so far, I would probably conclude that the submitted Plan is unsound due to the shortcomings in the proposed strategy and evidence base, including the economic and housing strategies, the relationship between them and the objective assessment of housing need, the spatial distribution of development and the approach to the Green Belt and Safeguarded Land. In these circumstances, proceeding immediately to the remaining parts of the examination would be unlikely to overcome these fundamental shortcomings.
97. If Option (b) is chosen, any suspension of the examination should normally be for no longer than 6 months. CEC would need to estimate how long it would take to undertake the additional work required to rectify the shortcomings identified, with a timetable setting out the main areas of work and the time estimates for each stage. Once the additional work is completed and published, I would probably need to convene another hearing session(s), involving the participants from the previous hearing sessions, to consider the outcome of this work, including any necessary revisions to the policies and content of the plan. The Programme Officer would make the necessary arrangements for the resumed hearing sessions once CEC's timetable for the additional work is submitted. Following the resumed hearing sessions, I would expect to form a view on the adequacy and soundness of the additional work carried out, along with other outstanding and associated matters, before proceeding with the remaining aspects of the examination, including site-specific matters.
98. It may be that, once this further work and outstanding evidence has been completed, CEC might need to consider alternative or additional strategic site allocations. However, it is important that any amendments to the LPS and its underlying strategy do not result in a fundamentally different spatial approach or strategy or result in substantial modifications which result in a significantly different plan. If the amendments necessary to ensure that the LPS is sound are so significant that it results in a fundamentally different plan, withdrawal may be the most appropriate course of action. In these circumstances, I would need to consider the implications and review the position before proceeding with the rest of the examination.

99. If Option (c) is chosen, the examination would be closed and I would take no further action in the examination of the submitted plan.
100. These interim views are being sent to CEC for them to take the necessary action, and are being made available to other parties for information only; no responses should be submitted. However, it would be helpful to know, as soon as possible, which option CEC wishes to choose and, if appropriate, a timetable outlining the timescale of the additional work required.
101. In presenting these interim views, I am fully aware of the Council's ambition to adopt a Local Plan for Cheshire East as soon as practicable and to avoid any unnecessary delays to the examination. However, it is not in the best interests of planning or plan-making to recommend an unsound plan for adoption, which would clearly run the risk of subsequent legal challenge. Consequently, I would ask the Council to carefully consider the implications of these interim views before advising me on their preferred course of action. In seeking a positive way forward, I am willing to do all I can to assist the Council, although I have a restricted role in this regard; any advice given is entirely without prejudice to my final conclusions on the soundness of this plan.

Stephen J Pratt - Development Plan Inspector
06.11.14

APPENDIX 11: SMEEDEN FOREMAN LETTER DATED 9 JANUARY 2015

Yorkshire Land Ltd.,
PO Box 785,
Harrogate,
HG19RT

**SMEEDEN
FOREMAN**

9th January 2015.

Dear Mr Green,

Land at Hunningley Lane, Barnsley.

I have examined the landscape statement we prepared in May 2014 for your site at Hunningley Lane, Barnsley, in the context of the Barnsley Green Belt Review (Green Belt: Urban Barnsley and Royston) prepared for the Council by Arup. Arup identify a parcel of land as General Area UB12 which abuts areas of Green Belt to the south and east identified as WOM1 & 3 and which together provide a separation between Barnsley and Wombwell.

UB12 has been recorded as an irregular area of 187 Ha to the east of Barnsley Urban Area and south of Ardsley and within the north western part of which is your site at Hunningley Lane.

The assessment records the existing Green Belt boundary as "relatively weak" and records in more detail with respect to the area where your Hunningley Lane site is proposed "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", Ardsley Road being known as Hunningley Lane north of White Cross Lane. Our report of last May was produced without the benefit of the Green Belt Study, however we were able to refer to the Barnsley Borough Council Landscape Assessment of 2002 which within the section on Area D3 (West Dearne Settled Arable Slopes) noted the following "It is considered that this edge has some potential to benefit from a limited amount development that could tidy and unify the urban edge". It would appear that these documents concur with our own appreciation of this area, namely that the current Green Belt boundary in this area is weak and poorly defined.

The Green Belt Review helpfully goes on to say that "An operational railway line which traverses the General Area from north to south could constitute a strong durable boundary should the area be considered for sub-division". The railway in this area is contained within a deep cutting and is within a well wooded corridor, with fairly extensive woodland on the eastern side of the railway. The suitability of railway lines to form durable landscape and potential Green belt boundaries either to, or within, the Green Belt, especially where associated with large engineering structures such as embankments and cuttings, and often further delineated by established woodland with forest scale trees, is also acknowledged in the Arup Green Belt

Landscape Architects ■ Urban Designers ■ Ecologists ■ Horticulturists

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Review in respect of other sites you are promoting for inclusion within the local plan. When considering the Oxspring Fields site the report states..."The Transpennine Trail within a dismantled railway could represent a strong internal boundary, should the Green Belt Area be considered for sub-division." This recognition of the role these strong physical features can play in the landscape is also referenced in the consideration of your Well House Lane site in Penistone where the Green Belt report records for the adjacent Pen 1 area".....the Barnsley to Huddersfield rail line to the east and west, presents a defined and defensible Green Belt boundary."

As I have previously noted Arup recorded the Green Belt boundary on the Barnsley edge as 'weakly defined' and then say "On the whole, the existing Green belt boundary is considered to be relatively weak". I think it is unhelpful that they don't explore further their assertion that the operational railway line could constitute a strong durable boundary. It would have been productive to have examined your Hunningley Lane site as a separate area of the Green Belt, instead of as part of the much larger UB 12 area. If we were to exclude your site from UB12 then I would expect the Arup assessment to be modified in respect of the remaining part of UB12 as follows.

Purpose; to check unrestricted sprawl of large built-up areas. Within this section the revised UB12 would gain a well-defined and durable boundary to a large part of the north western edge of the Green Belt. Some open land is invariably lost if developed, however the strategic gap between Barnsley and Wombwell is not significantly changed were your site to be removed from the Green Belt. The view below shows an arc taken from the closest edge of Wombwell to the residential development on White Cross Lane (adjacent to your site); as can be seen the extent of the gap between the two settlements is maintained.



The Arup assessment in the section addressing 'Level of Containment' also considers the level of containment within the existing development patterns and states that where areas are highly contained within the urban form (50% and above) development in such areas would represent a natural rounding of the built form. In their assessment of this aspect of the Green Belt their

qualitative summary notes: "A small-scale of natural consolidation exists to the south of the Lockeafash Cemetery, on the land bounded by the operational railway and to the south by Dob Sike." This is a helpful recognition of the logic of developing the northern part of your site. Where I believe this is insufficient is in not including the land to the south of Dob Sike which is itself contained to the south by the White Cross Lane residential development, which forms a well-defined edge to the area and allow the urban pattern to be consolidated in a natural rounding of the built form.

A reassessment of UB12, with your site removed from the Green Belt, should in my view improve the overall score in considering this purpose of the Green Belt, whilst not diminishing the recorded scores in respect of the other purposes considered. In these circumstances a revised Green Belt evaluation for UB12, based upon the criteria adopted for the Green Belt Review, could achieve a much more favourable score than at present and demonstrate an improvement in the function of the Green Belt in this area.

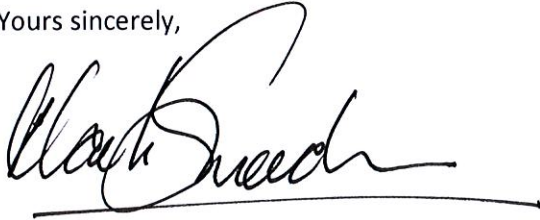
The Unitary Development Plan Policy BA9 notes at 4.9 that the primary purpose of the Green Belt in the Barnsley Community Area is to prevent the built up areas merging with surrounding settlements, of which one of those listed is Wombwell. Where Green Belt acts to prevent coalescence of settlements there are a number of ways in which this may be effective, firstly and most obviously through physical distance, and secondly through the perception of openness creating an alternative landscape to built-up areas on either side of the Green Belt. This second quality of Green Belt can be achieved in a Green Belt of varying width and is usually dependant on the capacity of the intervening landscape to provide a distinct landscape clearly identifiable as an area of landscape character which is distinct from adjoining areas. This in turn acts to allow the perception of those adjoining areas as themselves having a distinct and separate landscape character. This perception is most often associated with inter visibility between settlements to either side of the Green Belt, and with the views from the routes connecting settlements across the Green Belt.

Wombwell Lane connects Barnsley with Wombwell through the Green Belt in this area although the perception of the extent of the Green Belt is much reduced by residential and commercial development along the roadside. Where views are available across the landscape towards Wombwell the settlement can be seen on rising ground, with built form veiled by hedgerow trees, garden vegetation and belts of trees along a network of disused railway lines. Views towards Barnsley do not encompass the built form of the town as rising ground and woodlands prevent views of both the settlement and the proposed area for residential development at Hunningley Lane. In this context I do not believe that for travellers between Wombwell and Barnsley there would be any perception of the Green Belt separating the two settlements being diminished by the development for housing of your Hunningley Lane site.

The physical extent of the Green belt between the settlements would not in my opinion be diminished were your site to be developed, as the effect would be largely to connect the other adjacent developments east of the B6100; these being the school, cemetery and housing at Lockeafash Crescent to the north, and the housing area at White Cross Lane to the south. In this context I do not believe that for the residents of either Barnsley or Wombwell there would not be any perception that the settlements were any less distinct in their separation than before.

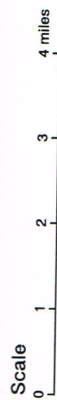
My reappraisal of our initial report and landscape assessment and reading of the more recent Green Belt Review confirms my earlier view that in terms of the landscape related purposes of the Green Belt a development such as you are promoting at Hunningley Lane could not harm the existing effectiveness of the Green Belt. By utilising the railway as a new edge to the Green Belt in this area would be possible to satisfy the National Planning Policy Framework requirement expressed in paragraph 85 to ".....define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Smeeden', written over a horizontal line.

Mark Smeeden
BA DipLA DipHort MIHort CMLI
Chartered landscape Architect.

APPENDIX 12: DIAGRAM 1 FROM THE UDP, 'COMMUNITY AREAS'



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- Barnsley MB boundary
- Built-up areas
- Motorway
- Major roads
- B roads
- Railways
- Sta. —

Wakefield MD

Kirklees MD

Doncaster MB

Rotherham MB

Sheffield MD

Derbyshire
High Peak

PEAK
NATIONAL PARK

- | | |
|-------------------------------|-------------------------|
| 2 Barnsley Urban | 8 Darfield |
| 3 Barnsley Town Centre | 9 Dearne |
| 4 Darton | 10 Wombwell |
| 5 Dodworth | 11 Hoyland |
| 6 Royston | 12 Penistone |
| 7 North East Towns | 13 Western Rural |

BARNSELY
udp

Diagram 1

COMMUNITY AREAS
(by Volume Number)

