

Your ref:

Our ref: 38948

19 August 2016

Planning Policy Team
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Dear Sirs,

**Barnsley Local Plan Publication Draft 2016 on behalf of Yorkshire Land Limited
(Representor ID 23082)**

This representation to the Barnsley Local Plan Publication Draft 2016 is submitted by Peter Brett Associates ('PBA') on behalf of Yorkshire Land Limited ('YLL').

Our representation relates to YLL's sites at Hunningley Lane in Worsbrough Dale, Millstones in Oxspring, and Sheffield Road in Oxspring (known as 'Oxspring Fields'), and it follows on from our submission to the Barnsley Local Plan Consultation Draft 2014, dated January 2015. PBA and our client have also liaised extensively with Barnsley Council in recent years regarding the three sites, which are therefore well-known to the Council.

The specific purpose of our current representation is to draw attention to factually incorrect information and seriously flawed assumptions in the Strategic Housing and Employment Land Availability Assessment Update 2016 ('SHELAA'), which was undertaken by Arup and published by the Council on 7 July 2016. The SHELAA follows on from the Barnsley Housing Study which PBA undertook for the Council in 2013/2014.

Barnsley Housing Study

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 ('SHLAA'); Study 2: Site Identification Study; and Study 3: Advice on Local Plan Strategy and Policies.

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In May 2014, we were approached by YLL for the first time and were asked to provide an unbiased, professional opinion of the credentials of various sites within its control¹. Having completed our work with the Council, we reviewed the documents commissioned by YLL, followed by visits to the sites in July 2014, and 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 sites, and as noted above we have made submissions to the emerging Local Plan process in this regard.

Land at Hunningley Lane, Worsbrough Dale

PBA SHLAA 2014 – Site ID 547

The Hunningley Lane site performed well against 'availability' and 'achievability' criteria in the SHLAA, and it also performed well against the vast majority of the 'suitability' criteria. The site achieved an overall Category 2 rating in the SHLAA rather than Category 1 with the only two reasons for this being that, at that time, it was thought the site was likely to be only 'moderately' attractive to the market, and because it was incorrectly assessed as being located adjacent to (as opposed to within) Urban Barnsley.

Regarding the first point above, as we explained in our submission to the Local Plan Consultation Draft 2014, Persimmon Homes has subsequently confirmed its interest in the Hunningley Lane site, and three further national housebuilders (Avant Homes, 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; rather, it is 'highly' attractive. Regarding the latter point, the site is actually located within Urban Barnsley, as confirmed by the plan from the adopted Barnsley Unitary Development Plan ('UDP') entitled 'Diagram 1, Community Areas' which we reproduced as Appendix 12 to our previous Local Plan representation regarding this site. At the request of YLL, we corrected the error regarding the site's location within Urban Barnsley and submitted an updated SHLAA pro-forma for the site to the Council in 2015. In our accompanying cover letter we informed the Council that the site should be considered a Category 1 site.

Arup SHELAA 2016 – Site ID 547

Arup's comments in relation to each potential site are contained within the extensive table which forms Appendix B to the SHELAA. We have reviewed Arup's comments regarding the Hunningley Lane site, some of which are factually incorrect. The table that is enclosed with this letter both highlights the erroneous information in the Arup assessment and provides the correct information in order to provide a balanced assessment of the site. In summary:

- Description of Surrounding Land Uses – We wish to expand on Arup's assessment of surrounding land uses in order to provide a more accurate picture of the site. The site is bounded to the north by a cemetery, to the south by White Cross Lane (not referenced by Arup), to the east by a railway within a deep cutting and to the west by the B6100 'Hunningley Lane' (Stairfoot to Worsbrough Bridge Corridor) beyond which is the Barnsley Academy and Sixth Form, associated greenspace, Vida Five-a-Side complex and surrounding residential development.

¹ The sites are at Wellhouse Lane (Penistone), Sheffield Road (Oxspring), Millstones (Oxspring), Huthwaite Lane (Huthwaite) and Hunningley Lane, Worsbrough Dale.



- Drainage – contrary to Arup’s comments, we confirm that there are no drainage constraints which could preclude development at the site; the only drainage infrastructure required is that which is normally associated with a residential scheme.
- Suitability of Location – Arup’s assessment is factually incorrect. As set out above the site is located wholly within ‘Urban Barnsley’, which is identified as the priority for growth in the Barnsley Local Plan, in accordance with its position within the Settlement Hierarchy.
- Geological constraints/mining cavities – YLL has commissioned technical assessments which confirm that the site is not affected by these constraints.
- Availability – Arup incorrectly states that no information has been provided, that the site could be in multiple ownership and as such that the site is only ‘potentially’ available. However, multiple detailed submissions to the Council throughout the plan preparation process have confirmed that the site is in single ownership, controlled and promoted by YLL, and that there are no land ownership constraints which could preclude the site’s early delivery.
- Market Attractiveness – Arup’s assumption is incorrect. As we explained above, whilst the area may generally be considered a ‘moderate’ demand area, this site is highly attractive to the market given that it benefits from the confirmed support of four national housebuilders which all want to develop the site, namely: Avant Homes, Barratt and David Wilson Homes, Bellway Homes and Persimmon Homes.
- Indicative housing yield – the figure of 423 dwellings quoted by Arup is a considerable over-estimate and is based on flawed assumptions relating to gross-to-net ratios and densities. It has previously been confirmed to the Council in various submissions that the site can accommodate approximately 329 dwellings, set around generous areas of public open space.
- Achievability/Delivery period – Arup places the site into the 5-10 year delivery category. However, the site could provide some dwellings within the ‘0-5 year’ period and given that the SHLAA is intended to be ‘policy neutral’ (as stated on pages 15 and 31 of the SHLAA report), there is no reason why the site should not feature in the 0-5 year period. Furthermore, Arup has placed all 423 dwellings within the 5-10 year period. Aside from the fact that the site is incapable of delivering such a high number of houses per se, it would be practically impossible to deliver 423 dwellings within a five-year delivery period on a single site. We reiterate that we previously advised the Council that the site has good achievability and can be used in the first five-year supply.
- Indicative employment yield – Arup’s notional employment yield for the site is irrelevant because the site is not being promoted for nor is it suitable for employment uses.

Land off Millstones, Oxspring

PBA SHLAA 2014 – Site ID 595

YLL’s Millstones site performed well against the ‘availability’, ‘achievability’ and ‘suitability’ criteria in the SHLAA, attaining an overall Category 1 rating. We also identified that the site can be used in the first five-year land supply.



Arup SHELAA 2016 – Site ID 595

The enclosed table provides our response to Arup's comments in the SHELAA regarding the Millstones site, which can be summarised as follows:

- Description of Surrounding Land Uses – We wish to clarify Arup's description of surrounding land uses. The site is actually bounded to the north and west by established woodland (not referenced by Arup), to the south by the River Don, and to the east by an existing low density residential development of 16 units entitled 'Millstones'.
- Drainage – Arup states: '*Some new drainage infrastructure required.*' For the avoidance of doubt, all technical matters including drainage and flood risk were resolved to the satisfaction of the Council and all statutory consultees as part of a recent planning application (ref. 2014/0482). The only new drainage infrastructure required is that which is normally associated with a small-scale residential scheme; a foul water manhole is located on site, to which drainage connections can be made.
- Surrounding Land Uses – Arup states: '*Site has bad neighbours with potential for mitigation.*' We are bemused by this comment, because the site does not have any bad neighbours, being surrounded by mature woodland, a river and an existing executive-style housing development.
- Suitability of Location – Arup is factually incorrect in stating that the '*site is within the village*'. Whilst the site does logically appear to be a part of the village of Oxspring, as opposed to a part of the surrounding area (formed predominantly of established woodland) the site actually adjoins the current defined boundary of the village. Unfortunately, the definition of the current boundary has led to the sterilisation of the site. Consequently, failure to amend the boundary through the current Local Plan process either by realigning the Green Belt with the established woodland on the site's western boundary or allocating the site for housing purposes, will result in continued sterilisation of the land for the foreseeable future. As set out above a planning application for the development of the site was submitted in 2014, which was refused by the Council and subsequently by a Planning Inspector on appeal, despite the site not serving any of the five Green Belt purposes set out within the NPPF. Therefore, the final opportunity to successfully rectify this matter now rests with the Local Plan Inspector and we would respectfully urge that he/she visits the site personally during the examination process to gain a firsthand insight of the site's characteristics.
- Availability – Arup incorrectly states that no information has been provided and that the site could be in multiple ownership. This is both factually incorrect and very disappointing. We have confirmed in numerous previous submissions to the Council that the site is in single ownership, controlled and promoted solely by YLL, and the Council is well aware that there are no land ownership constraints which could preclude the site's early delivery.
- Dwelling yield – Arup identifies a potential dwelling yield for the site of 14 units. The Council is aware, however, that YLL would like to develop four executive houses at the site in keeping with the existing executive housing development at Millstones, which adjoins the site. The figure of four dwellings is substantially fewer than the 14 houses suggested by Arup, which is based on the blanket density rate of 40 dwellings per hectare which Arup and the Council are now applying to sites throughout the Borough, irrespective of the local context and the need to provide for housing needs in full. A development of four properties



at the site (considered as an extension to the existing Millstones development) would complete the Millstones development, for which the adopted UDP (Policy WR2/7 – Bower Hill) indicates the capacity for a low density development of 20 dwellings, whereas only 16 dwellings are in existence. Furthermore, it is specifically identified in numerous high level Council reports and documentation that there is a need to deliver larger low density ‘executive’ style development in the more prosperous western parts of the Borough to retain and attract mid to high income households, professional, senior managerial and executive officers, in order to help support and implement the economic strategy (see Cabinet report reference CAB.6.6.2012/7) and diversify the demographic make-up of Barnsley.

- Achievability/Delivery period – Arup places the site into the 5-10 year delivery category. However, the site is fully deliverable well within the first five-year period of the Local Plan.
- Indicative employment yield – Arup’s notional employment yield for the site is irrelevant because the site is not being promoted for nor is it suitable for employment uses.

Land off Sheffield Road, Oxspring (‘Oxspring Fields’)

PBA SHLAA 2014 – Site ID 681

YLL’s Sheffield Road site performed well against the ‘availability’, ‘achievability’ and ‘suitability’ criteria in the SHLAA, attaining an overall Category 1 rating. We also identified that the site can be used in the first five-year land supply.

Arup SHELAA 2016 – Site ID 681

The enclosed table provides our response to Arup’s comments in the SHELAA regarding the Sheffield Road site, which can be summarised as follows:

- Description of Surrounding Land Uses – We wish to clarify Arup’s description of surrounding land uses. The site is bounded to the north by the B6462 ‘Sheffield Road’, to the south by the Trans-Pennine Trail, to the east by a private lane and disused/derelict depot (now proposed by YLL as a employment site) and to the west by the existing built form and community facilities of the village of Oxspring.
- Drainage – contrary to Arup’s comments, we confirm that there are no drainage constraints which could preclude development of the site; the only drainage infrastructure required is that which is normally associated with a residential scheme. Drainage reports commissioned by YLL and undertaken by Topping Engineers, which have been submitted to the Council, confirm that a viable drainage scheme can be delivered to support the proposed development.
- Bad neighbours – Arup states that the site has bad neighbours with potential for mitigation. However, this is factually incorrect as the site has no bad neighbours. The water works which Arup has misidentified in its assessment as a ‘bad neighbour’ is actually located within a valley bottom (and consequently it cannot be seen from the proposed housing site) on the far south eastern side of a disused depot which provides approximately 0.8km separation between the water works and YLL’s site. In passing, we note that YLL is seeking an employment allocation for the disused depot site through the Barnsley Local Plan process for the development of its ‘Blackmoor Business Park’ proposals. Furthermore and with reference to the ‘potential for mitigation’ section of Arup’s comment, YLL’s ‘Oxspring



Fields' proposal includes for the delivery of a significant country park with full public access, to be located between the housing development and the adjacent disused depot, which would provide significant mitigation in any event,

- Suitability of Location – Arup is factually incorrect in stating that the site is located within a village. Whilst the site relates more to the village of Oxspring and its development would complement the village's historical linear pattern of development between the Trans Pennine Trail and the B6462 Sheffield Road/River Don, it is presently located adjacent to the current village boundary, albeit approximately half of the proposed housing element of the site is included within the adopted boundary of the Oxspring Neighbourhood Plan Area.
- Geological constraints/mining cavities – YLL has commissioned technical assessments which confirm that the site is not affected by these constraints.
- Physical Limitations – Arup is incorrect in stating that there are minor physical constraints to the site's development. Having been closely involved in the proposals for the site we can confirm that there are no limitations which could preclude the development of any part of the site.
- Availability – Arup incorrectly states that no information has been provided, that the site could be in multiple ownership and as such that the site is only 'potentially' available. Those comments are baffling because we and YLL have made numerous submissions to the Council and we have liaised extensively with officers in recent years regarding this site. For the avoidance of any doubt, the site is in single ownership, controlled and promoted solely by YLL and there are no land ownership constraints which could preclude the site's early delivery.
- Indicative housing yield – the figure of 444 dwellings quoted by Arup is a severe over-estimate and is based on seriously flawed assumptions relating to gross-to-net ratios and densities. It has been confirmed to the Council in numerous submissions that the site can accommodate approximately 150 dwellings, set around generous areas of public open space as shown on the draft layout which is available to view via this link: <http://www.oxspring-fields.co.uk/wp-content/uploads/2015/04/Masterplan.pdf>. Furthermore, PBA's earlier SHLAA assessment identified that this site provides the potential to deliver much needed low-density housing in accordance with the Borough's adopted economic and housing strategy aspirations. Arup has also incorrectly included the country park element within its assumed area of land available for housing.
- Achievability/Delivery period – Arup places the site into the 5-10 year delivery category. However, the site could provide some dwellings within the '0-5 year' period and given that the SHLAA is intended to be 'policy neutral', there is no reason why the site should not feature in the 0-5 year period. Furthermore, Arup has placed all 444 dwellings within the 5-10 year period. Aside from the fact that the site is physically incapable of delivering such a high number of houses, it would be practically impossible to deliver 444 dwellings within a five-year delivery period on a single site. As set out above, we identified in the 2014 SHLAA that the site has good achievability and can be used in the first five-year land supply.
- Indicative employment yield – Arup's notional employment yield for the site is irrelevant because the site is not being promoted for nor is it suitable for employment uses.



Summary

We have identified a range of factual inaccuracies and serious methodological flaws in relation to Arup's assessment of YLL's sites at Hunningley Lane in Worsbrough Dale, Millstones in Oxspring and Sheffield Road in Oxspring ('Oxpring Fields'). These errors and flawed assumptions have the effect of substantially inflating the indicative dwelling yield for each site:

- Hunningley Lane – Arup's yield figure of 423 dwellings is some 94 dwellings higher than the 329 dwellings that can be comfortably delivered at the site;
- Millstones – Arup's yield figure of 14 dwellings is more than three times higher than the four dwellings which YLL would like to develop at the site; and
- Sheffield Road – Arup's yield figure of 444 dwellings is also drastically higher than the 150 dwellings that could comfortably be delivered at the site.

Accordingly, Arup's SHELAA assessments exaggerate the indicative yield by a very considerable 398 dwellings across these three sites alone (881 dwellings suggested by Arup compared with 483 dwellings that can realistically be delivered, when proper account is paid to site context and appropriate gross-to-net ratios and densities are applied). Arup has also failed to properly take into account the multitude of detailed submissions in relation to the three sites that have been made by and on behalf of YLL.

The flaws identified above are most disappointing considering the advanced stage of the plan preparation. Unlike at the time that PBA undertook the 2014 SHLAA, a significant level of evidence is available to the Council, at least in respect of these three sites. The failure to take information properly into account makes a mockery of the consultation process, and it must surely cast doubt on the credibility of the SHELAA and its role as a key piece of the Council's evidence base.

We trust the Council will take these comments into consideration in its future work on the Barnsley Local Plan.

Yours sincerely

BERNARD GREEP
Equity Director

For and on behalf of
PETER BRETT ASSOCIATES LLP

cc: Mr Steven Green, Managing Director, YLL
Enclosure: PBA Comments on Arup's 'SHELAA 2016' assessments for site refs. 547, 595 and 681

	Arup Assessment	PBA Response
Site ID	547	✓
Site Address	Land at Hunningley Lane, Worsbrough Dale	✓
Description of Surrounding Land Uses	Site is bound to the north by community services (cemetery), to the east by a railway line, to the [sic] and west by residential and greenspace area	We agree that the site is bounded to the north by a cemetery and to the east by a railway line. However, the site is bounded to the south by White Cross Lane and to the west by the B6100 'Hunningley Lane' (Stairfoot to Worsbrough Bridge corridor) beyond which is the Barnsley Academy and sixth form, associated greenspace, Vida five-a-side complex and surrounding residential development.
Access Infrastructure Constraints	Extensive new access infrastructure not required	✓
Drainage Infrastructure Constraints	Some new drainage infrastructure required	We confirm that as identified in the 2014 SHLAA undertaken by PBA for BMBC, there are no drainage constraints which could preclude the development of this site.
Ground Condition Constraints	Treatment/ remediation not expected to be required	We confirm that preliminary investigation has been carried out and that ground treatment/ remediation is not expected to be required.
Surrounding Land Uses	Site has no bad neighbours	✓
Soil Quality	Site is 3-5 agricultural land	✓
Suitability of Location	Site is within village	This is factually incorrect. The site is situated within Urban Barnsley, which is identified as the priority for growth during the plan period in accordance with its position in the settlement hierarchy.
AQMA Constraints	Site not within 800m of an AQMA	✓
Geological and Mining Constraints	Site within area likely to contain geological constraints of mining cavities	As already addressed in our extensive submissions for this site, Yorkshire Land Ltd has commissioned further investigations which demonstrate that the site is not affected by these issues.
Physical Limitations	No known constraints	✓
Potentially Suitable Uses	Housing	We reiterate that the site is suitable for housing.
Planning Status		The site is not the subject of any planning application and no evidence of historical planning applications is available.
Availability of Site	No information, but thought likely to be in private and/or multiple ownership	This is factually incorrect. The Council is well aware that this site is in single ownership, controlled and promoted by Yorkshire Land Limited. Numerous detailed representations have been submitted (including by Peter Brett Associates and Spawforth Associates and a National Housebuilder, Persimmon Homes) throughout the Plan preparation process in support of the site as a housing allocation within the Barnsley Local Plan.
Availability	Site is potentially available	This is factually incorrect. We reiterate that the site is immediately available.
Site Achievability	Achievable in next 10 years	We identified in the Barnsley Housing Study 2014 (undertaken on behalf of BMBC) that the site has good achievability and can be used in the first five-year land supply period.

	Arup Assessment	PBA Response
Site ID	547	✓
Site Address	Land at Hunningley Lane, Worsbrough Dale	✓
Market Attractiveness	Moderate demand areas	Whilst this location is generally a moderate demand area this particular site has significant developer interest by four national housebuilders; Avant Homes, Barratt and David Wilson Homes, Bellway Homes and Persimmon Homes. Persimmon Homes in particular has already drawn a preliminary development scheme for the site and each of the housebuilders would wish to develop the site in the short term if allocated.
Percentage of land available after physical constraints	100 per cent	Considering the requirement for public open space, it is wholly unrealistic to assume that 100 per cent of the land is developable, but we reiterate that there are no physical constraints which could preclude development of any part of the land.
Indicative Housing Yield (units)	423	Arup's yield figure is a considerable over estimate and is based on an over-simplistic multiplication of the site area by 40 dwellings per ha. This fails to reflect a realistic gross to net ratio typical of sites of this size (60 per cent being more appropriate than Arup's suggested 75 per cent), and 40 dwellings per ha is too dense. Furthermore, Arup has ignored the submissions by Yorkshire Land Ltd and Persimmon Homes confirming that technical work has been undertaken 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 and areas of public open space.
0-5		See '5-10 year' comments.
5-10	423	It is unclear why the contribution from this site has been assumed to occur wholly within the 5-10 year period. As outlined in the representations by and on behalf of Yorkshire Land Ltd, this site is deliverable and can provide a contribution within the 0-5 year period as well as the 5-10 year period. Furthermore, it is practically impossible to deliver 423 dwellings at a single site within a five-year period.
10-15		N/A as the site can be delivered earlier, with development starting in the first five years of the Barnsley Local Plan
15+		N/A as the site can be delivered earlier, with development starting in the first five years of the Barnsley Local Plan
Indicative Employment Yield (ha)	5.64	The submissions made by and on behalf of Yorkshire Land Limited - and separately by Persimmon Homes - have made clear that the site is promoted solely for residential development. We reiterate that the site is not promoted, nor is it suitable for, employment development.