Main Matter 6 – Is the plan’s approach to the Green Belt soundly based and consistent with national policy (Policies GB1 & GB6)?

Context – Currently 77% of the area of the Borough is within the Green Belt. The plan’s proposals would result in the removal of 760 hectares (net) of land from the Green Belt, so that 74.6% of the Borough would be within the Green Belt. A Green Belt Review (EB103 & EB104) has been undertaken as part of the evidence base.

(i) This paragraph is misleading. It has been suggested in the Local Plan Publication Draft 2016 that a "loss" of 2.5% of Green Belt is acceptable. The actual loss of Green Belt within the defined Urban Barnsley area could be in excess of 13% (i.e. its green lungs), which is much more significant.

Issue – Do the exceptional circumstances exist to justify the release of land from the Green Belt?

6.1 What are the exceptional circumstances, as required by the NPPF paragraphs 79 – 86, that justify the plan’s proposed revision of the boundaries of the Green Belt? Can the need for housing and employment development be accommodated on deliverable sites without releasing land from the Green Belt?

(i) Paragraph 79 of the NPPF is quite clear:

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

(ii) Legal precedent has reaffirmed that, regardless of the NPPF, Green Belt boundaries can only be altered in exceptional circumstances. The NPPF itself cannot be regarded as an exceptional circumstance. The law relating to exceptional circumstances was set down well before the NPPF and is not affected by it.

(iii) A previous judgement has said that ".....it is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans and has always required "exceptional circumstances" to justify a revision. The NPPF makes no change to this.

(iv) The NPPF in itself cannot be regarded as "exceptional circumstances".
Neither does the preparation of a new Local Plan in itself constitute exceptional circumstances, nor the "fortunate position" (Paragraph 1.4 of the Local Plan Publication Draft 2016) that the Council finds itself in by being part of the Sheffield and Leeds City Regions.

The Council had earlier re-affirmed this principle in the Core Strategy which was prepared for an earlier LDF and accepted in 2011, extracts of which are shown below.

"RSS policy P2 does not advocate a full review of the Green Belt in Barnsley. In assessing the housing and employment land requirements for Barnsley it was found that there was no need to release any land designated as Green Belt for development in the immediate future".

"In preparing the LDF the Council has given consideration as to whether there is a need to alter the Green Belt boundaries to accommodate the development needs of the borough up to 2016 and beyond, but is satisfied that these needs can be accommodated on sites identified within the towns and villages excluded from the Green Belt."

"In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded".

Very shortly after the adoption of the Core Strategy the Council took the decision to remove MU1 from the Green Belt. That decision was purely a commercial one. It predated the Green Belt Review 2014 and the Green Belt and Safeguarded Land Background Paper 2016. However, both those documents have been referred to by the Council in an effort to retrospectively justify the decision and "exceptional circumstances".

The Local Plan proposal is claimed to have been based on a detailed Green Belt Review. This has been shown to be flawed, designed to yield the result required to justify taking land out of the Green Belt, specifically site MU1.

The fact that the review is dated well after the Council started developer and SCRIF negotiations is significant.

The scoring system that suggested site MU1 is only "weakly fulfilling the five purposes identified in the NPPF" is clearly flawed.

The site has been protected as Green Belt land under the Council's UDP for more than 40 years.

The Council failed to address detailed criticisms, raised at the Local Plan Consultation Draft 2014 stage.

There are no exceptional circumstances requiring Site MU1 to be removed from the Green Belt despite the justification document subsequently hurriedly produced in July 2016 by the Council when challenged on this point.
(xiv) It is also interesting to note that the developer's first "Master Plan" for site MU1 was dated August 2013, 12 months before the date of the Green Belt Review report dated August 2014.

(xv) Interestingly, the "Green Belt Review Approach and Method Report" is dated November 2014.

(xvi) The proposed release of land from the Green Belt is also at odds with many other policies in the Local Plan Publication Draft 2016, particularly in relation to the resultant implications on local services, local road networks, pollution and increased traffic volumes. None of these factors appear to have been taken into account in the Green Belt Review report.

(xvii) Site MU1 is a prime example of this.

(xviii) There has been no risk assessment on the effect of these conflicting policies which are clearly development led.

(xix) The Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 require local authorities to prepare and maintain registers of brownfield land that is suitable for residential development.

(xx) Local authorities will be expected to have compiled their registers by 31 December 2017.

(xxi) However, it is unclear how the Council to-date has addressed the brownfield sites issue since repeated requests to the Council for details of a brownfield sites register have been met without any clear success. **Until this register is produced the Stage 2 hearings should be suspended.**

(xxii) The SHLAA report did identify more than sufficient sites to meet the "ambitious" housing targets but again the sites were selected on an "attractive to the market" basis resulting in housing allocations within the Green Belt, particularly Site MU1. A clear case of a report being prepared by the development market for the development market.

(xxiii) It is noted in various parts of the LPPD2016 that other external policies and incentives appear to be driving the agenda, including links into regional and national policies such as the Regional Growth Fund, the New Homes Bonus, Section 106 Agreements, Business Rate Retention and the Community Infrastructure Levy. The CIL should not be used by developers to seek to effectively trade planning permissions in the Green Belt such as Site MU1 at the expense of sound long term planning policies.

(xxiv) The removal of Revenue Support Grant by 2020 requires the Council to seek to increase its Council Tax Base. This is also a key factor in driving the agenda to build more houses.
Like "aspirations", chasing these short term financial incentives is no basis for determining long term planning policies which affect the lives of people for years to come and result in a legacy which existing resident stakeholders have to live with whilst those making such decisions and developers implementing those decisions, have moved on.

None of these issues provide exceptional circumstances to release land such as Site MU1 from the Green Belt.

6.2 Has the capacity of areas within existing settlement boundaries been robustly assessed and what evidence underpins this? What evidence justifies the release of Green Belt land for housing and employment development?

(i) The site MU1 proposals put forward by developers will mean vastly increased traffic numbers within the settlement boundaries and related infrastructure.

(ii) Based on an arbitrary number of say 5 extra vehicle movements per day, 1700 homes will produce upwards of 8500 journeys per day which will add to the existing congestion on the surrounding settlements local highway network and associated access points.

(iii) This will also add to the existing congestion at Junction 37 of the M1. Large scale warehouse sheds and additional HGV movements will add to this problem.

(iv) The building of a link road will draw in traffic from other areas and add to the congestion.

(v) The Council has already acknowledged that parts of this network are at saturation point, including a condition restricting the number of vehicle movements in approving a planning permission on a new development at Capitol Park adjacent to J37.

(vi) Increased air, noise and light pollution are all related factors as are the effects on existing local services.

(vii) Areas adjacent to the M1 already exceed the EU directives on air pollution.

(viii) How does putting more vehicles into urban areas and removing the lungs of the green belt helps improve air quality?

(ix) Water and sewerage infrastructure requirements are other considerations.

(x) None of these factors appear to have been taken into account in the Green Belt Review report.

(xi) The doubts on the evidence (or lack of) justifying the release of Green Belt land for housing and employment development have been highlighted elsewhere in this paper and at the Stage 1 hearings.
6.3 How does the distribution of Green Belt releases affect different settlements and different parts of the plan area?

(i) The proposed development of site MU1 will completely destroy the character and nature of the historical communities of Pogmoor, Gawber, Redbrook, Barugh Green and Higham.

(ii) Site MU1 is a vital recreational space for Barnsley and local residents and is predominantly agricultural, which may be a strategic asset for Britain’s future sustainable food supply.

(iii) The loss of it would also impact on tenant farm viability.

(iv) There will be a threat to and loss of wildlife habitat.

(v) Increased air, noise and light pollution are all related factors as are the effects on existing local services.

6.4 Does the plan have regard to the need to promote sustainable patterns of development, including channelling development towards urban areas inside the Green Belt boundary and towns and villages inset within the Green Belt?

(i) The location of major employment sites on Green Belt land such as Site MU1 in the west of the Borough well away from the historical major areas of employment where the need is greatest, is likely to have additional significant travel implications placing further strains on the existing road networks.

(ii) This, together with the Council’s reliance on Green Belt land to meet dubious and over ambitious housing and employment targets rather than an apparent unwillingness to explore all brownfield site options, is not consistent with promoting sustainable patterns of development.

6.5 Is the Green Belt Review based on a consistent, logical and clear methodology and is it clear how general areas were scored in relation to their contribution to Green Belt purposes? Is it clear how resultant parcels were identified and assessed?

(i) To quote Winston Churchill "This report, by its very length, defends itself against the risk of being read".

(ii) The "Barnsley Green Belt Review - Urban Barnsley and Royston" report (August 2014) is long in detail (141 pages).

(iii) It is noted however, that site visits were completed in December 2013. Both of these dates were before updated announcements and guidance by Central Government on protecting the Green Belt from development.
(iv) The current 5 principles set down by the NPPF are:-

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

(v) These principles were re-iterated in Standard Note No. SN/SC/934 issued by the Government on 10/12/14.

(vi) The report is not however, a full review of the Green Belt. The report is written more as a pre-identification of development sites with all the emphasis being on whether a site is suitable for development, rather than whether it should remain in the Green Belt. The phrase "resultant land parcel" is prevalent throughout the report.

(vii) The Green Belt Review background paper gives the impression of being a "desk top" study undertaken by a number of individuals.

(viii) The report seeks to justify a scoring mechanism as to whether the existing Green Belt is or is not, fulfilling the purposes as defined by the NPPF.

(ix) The report is considered to be flawed and inconsistent in its interpretation of the NPPF in applying the 5 tests to the individual sites. This has resulted in skewed scoring such that it is difficult to see why some sites score higher than others.

(x) The scoring mechanism has therefore led to inconsistent and unreliable conclusions.

(xi) This leads to the further conclusion that in some cases the scores appear to have been skewed to meet pre-determined policy decisions before the public were invited to comment on the Local Plan Consultation Draft 2014.

(xii) There is a clear need to challenge the Green Belt Review Report total score of 12/25 for Site MU1 and the individual component parts therein, in view of the inconsistencies identified in this hearing statement and the extensive comments made on the Local Plan Publication Draft 2016.

(xiii) It is understood that there has been no update of this report other than a further background paper introduced into the Local Plan Publication Draft 2016 which seeks to justify "exceptional circumstances" following the public concerns expressed on the Local Plan Consultation Draft 2014.
6.6 How has the Sheffield City Region Green Belt Review Common Approach (EB128) informed the process and outcomes of the Green Belt Review? Are the Green Belt boundaries contiguous with those in adjoining authorities and are there any cross boundary issues arising?

(i) The following extract is taken from the Arup Green Belt Review report dated November 2014.

"Barnsley has sought to lead discussions with neighbouring authorities through a Sheffield City Region Green Belt Review ‘Common Approach’. This Common Approach, which is attached at Appendix A, was agreed by all nine Local Authorities within the Sheffield City Region in Summer 2014. The Barnsley Green Belt Review Methodology therefore aligns with this ‘Common Approach’. This method document has also been issued to neighbouring authorities for comment."

(ii) It is clear from the wording that Barnsley led on the production of the common approach.

(iii) It is no surprise therefore, that the common approach gave the Council the result which it was looking for.

(iv) This does not mean that the approach and methodology is sound.

(v) It appears to be no co-incidence however, that the hand of the private sector appears to be on the SCR "Common Approach" report.

6.7 Is the approach to amending Green Belt boundaries to release sites for development in the following areas soundly based and is it consistent with the conclusions on their contribution to Green Belt purposes in the Green Belt Review:

- Urban Barnsley (including Darton and Dodworth)

(i) The revised definition "Urban Barnsley" has far reaching consequences.

(ii) The definition appears to be being used to justify taking land out of the Green Belt at proposed Site MU1.

(iii) There is no recognition of the distinctive individual village settlements included on the boundaries of the defined area covered by Site MU1.

(iv) The report quite incorrectly refers to "neighbourhoods" instead of historically the separate and distinct villages and settlements, as they clearly are recognised by local residents as such.

(v) Strong and consistent concerns have been expressed to the Council in relation to Site MU1 throughout the LPPD 2016 and earlier consultations.
(vi) These concerns are already well documented on the Council's LPPD 2016 consultation website.

(vii) Extracts from these concerns, including the flawed methodology and resultant scoring mechanism of the Green Belt Review report are also replicated at 6.1 above.

(viii) The existing boundaries to Site MU1 are well defined and not "generally weak" as stated in Arup's Green Belt Review report.

(ix) There is no requirement in the NPPF guidelines that Green Belt boundaries should run in straight lines as implied in Arup's conclusions for site MU1.

(x) The area is certainly more than the "narrow gap" referred to in the report.

(xi) It does provide a "Green Wedge" contrary to what the report says.

(xii) This "Green Wedge" is more than 1Km wide in places.

(xiii) The report fails to recognise the very fact that it does provide an important gap between the separate and distinct settlements of Pogmoor, Gawber, Redbrook, Barugh Green and Higham.

(xiv) The existing boundaries for Site MU1 are well defined and have protected the area from urban sprawl, and the coalescence of existing smaller settlements for more than 40 years.

(xv) Neither do local residents think that the area of Site MU1 has a "low landscape value" since it does provide:

- valued open spaces
- woodland
- grazing and arable land
- managed hedgerows
- a home for wildlife and protected species
- Redbrook Pastures
- public footpaths
- leisure and amenity facilities for walkers and ramblers
- natural water courses
- far reaching views both looking out of the site and looking into the site from surrounding areas.
- all of this would be lost if the area was taken out of the Green Belt.