

Barnsley Local Plan Examination

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STAGE 3 MAIN MATTERS, ISSUES AND QUESTIONS (MIQs)

These MIQs relate to the Stage 3 hearings and should be read in conjunction with the Inspector’s Examination Briefing Note.

References in brackets are to the document references in the Evidence Base which can be found on the Examination web site www.barnsley.gov.uk/local-plan-examination.

Following the Stage 2 hearings I issued interim findings on certain Main Matters on 15 August 2017. My letter and the Council’s response are available on the Examination web-site. The Council has concluded that it wishes to proceed with the Examination as outlined in option 3 of my letter but will be undertaking further work following the Stage 3 hearings. I am not inviting comments from the Council or anyone else on my interim views at this stage.

The scope of the Stage 3 hearings has therefore been altered and will focus on the soundness of the allocations that have been made to meet the requirements set out in the Publication Consultation version of the plan (SD2) together with the soundness of the general development management policies that are capable of being progressed at this stage of the Examination.

Please note that some aspects of the development management policies have already been considered as part of the Main Matters at the Stage 1 and 2 hearings but will be covered again in relation to the site specific allocations. The soundness of other development management policies will be considered under Main Matter 14 below.

The Council has prepared a list of proposed modifications (MMs) (SD30) together with an Addendum to SD30 which contains a list of general revisions to various policies to improve clarity and effectiveness (PRs). These will be considered, as appropriate when the relevant matter is discussed.

Rejected/Omission Sites – It is not part of my role to examine the soundness of rejected or alternative sites put forward by representors. Consequently, discussion at the hearing and in hearing statements should focus on whether the proposed allocations/designations relating to these sites in the submitted plan are sound.

Main Matter 10 – Are the proposed employment allocations soundly based and deliverable within the plan period? (Policies E1, E2 and employment site policies)

Context – the Stage 1 hearings considered whether the plan’s proposals for 33,000 jobs within the plan period is soundly based. Policies E1 and E2 set out the employment land requirement of 307 hectares and its distribution.

Issue - Whether or not the allocations for employment are based on a robust assessment against relevant criteria

- 10.1 Is the site selection process for the employment allocations soundly based, including sustainability appraisal and the testing of reasonable alternatives?
- 10.2 Is the site selection methodology based on an appropriate set of criteria?
- 10.3 Are the reasons for selecting the preferred sites and rejecting others clear and justified?

Issue – Whether or not the allocations for employment are soundly based and deliverable within the plan period

- 10.4 The following three questions apply to each of the sites proposed for employment as set out below:
 - a. Is the type and amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?
 - b. Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development and are any main modifications proposed or required for soundness?
 - c. Is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectories?

1. Sites in Urban Barnsley - UB1, UB3, UB5, UB7, EB8, UB12, UB13, UB16
2. Sites in Cudworth – C2, C3
3. Sites in Dearne Towns – D1, D2, D3 and reserve site RSV1
4. Sites in Hoyland – HOY1, HOY2, HOY3, HOY4, HOY5, HOY7
5. Sites in Penistone – P2
6. Sites in Wombwell – W2
7. Other Sites – N1, N2, N5

(Note: these are all the employment sites in the plan)

Main Matter 11 - Are the proposed Barnsley town centre development sites soundly based and deliverable within the plan period?

Issue – Whether or not the town centre development sites are soundly based and deliverable within the plan period

- 11.1 The following three questions apply to each of the town centre sites as set out below:
- a. Is the type and amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?
 - b. Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development and are any main modifications proposed or required for soundness?
 - c. Is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectories?
1. Better Barnsley Development Site 1 – Policy BTC13
 2. Southern Fringe Development Site 2 – Policy BTC16
 3. Courthouse Campus Development Site – Policy BTC22
 4. Eastern Gateway Development Site 4 – Policy BTC24

Main Matter 12 - Are the proposed housing allocations soundly based and deliverable within the plan period? (Policy H7 and housing site policies)

Issue – Whether or not the allocations for housing are based on a realistic density assumption and robust assessment against relevant criteria

- 12.1 Is the general assumption of 40 dwellings per hectare as an indication of site capacity in Policy H7 based on robust evidence? Is that figure too high or too low? What effect will site constraints have on overall delivery? Is MM44 necessary to ensure soundness?
- 12.2 Is the site selection process for the housing allocations soundly based, including sustainability appraisal and the testing of reasonable alternatives?
- 12.3 Is the site selection methodology based on an appropriate set of criteria?
- 12.4 Are the reasons for selecting the preferred sites and rejecting others clear and justified?

Issue – Whether or not the allocations for housing are soundly based and deliverable

- 12.5 The following three questions apply to each of the sites proposed for housing as set out below:
 - a. Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?

- b. Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development and are any main modifications proposed or required for soundness?
 - c. Is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectory (Housing Trajectory BP4 and MM125 in SD30)?
1. Sites in Urban Barnsley – AC1, AC2, AC3, H5, H13, H14, H18, H19, H20, H28, H29, H31, H42, H44, H54, H57, H72, H73, H83, UB6
 2. Sites in Cudworth – AC23, H10, H22, H32, H39, H76,
 3. Sites in Dearne Towns – AC26, H1, H30, H51, H52, H67, H84
 4. Sites in Hoyland/Elsecar – AC29, AC30, AC31, H4, H6, H7, H8, H9, H16, H45, H77
 5. Sites in Penistone – AC34, H25, H34, H47, H81, H82
 6. Birdwell – 877
 7. Sites in Royston – H11, H43, 186
 8. Sites in Wombwell/Darfield– AC39, H3, H40, H41, H56, H70
 9. AC44 – Former Paper Mill, Oughtibridge

(Note: these are the housing sites where representations have been made in the Statement of Consultation SD8)

- 12.6 Is the deletion of the proposed site allocation AC46 as proposed in MM47 justified? Would the proposed increase in pitches on site TRAV013A from 10 to 11 as proposed in MM46 satisfactorily address the need for gypsy and traveller accommodation over the plan period?
- 12.7 Is the deletion of the proposed site allocation H2 at Elsecar as proposed in MM38 justified having regard to the evidence in the Elsecar Heritage Report (EB172)? How would the shortfall in housing provision be dealt with?
- 12.8 Is there any common ground between the Council and representor in relation to the Allocations Deliverability Assessment (submitted with representation reference 1024559)?
- 12.9 Is MM29 necessary to ensure that Policy H3 includes reference to 'other policies in the plan'?

Main Matter 13 - Are the proposed mixed use allocations soundly based and deliverable within the plan period?

Issue – Whether or not the proposed uses on the mixed use sites are soundly based and deliverable including in terms of scale and mix and whether the policy requirements are sound

- 13.1 Is 'Policy Mixed Use Sites 1' clear and effective? Are MM48 & MM49 necessary to ensure that it is sound?

Site AC11, Land between Fish Dam Lane and Carlton Road

The site is proposed for approximately 294 dwellings and a primary school.

- 13.2 What is the justification for referring to this as a 'mixed use' site? Are the overall scale and mix of uses justified?
- 13.3 Are the policy criteria sufficient to ensure that the proposal would retain existing vegetation to avoid unacceptable effects on biodiversity?
- 13.4 Would the proposal have any implications for the nearby employment uses and should these be referred to in Policy AC11?
- 13.5 How will the development of this site relate to Site TRAV013A?
- 13.6 Is PR84 necessary for soundness?
- 13.7 Is the development proposed deliverable in the timescales envisaged in the delivery trajectory (Housing Trajectory BP4 and MM125 in SD30)?

Site AC12, Land off Shaw Lane, Carlton

The site is proposed for approximately 1206 dwellings and green space.

- 13.8 Are the overall scale and proposed uses justified? Is the policy sufficiently clear about the type of community facilities that would be provided and should these be referred to in the first part of the policy?
- 13.9 How does this site relate to H44? Should the two sites be combined within a single policy?
- 13.10 Is the site available for comprehensive development?
- 13.11 Are the policy criteria sufficient to ensure that the proposal would not cause unacceptable effects on habitats including areas of woodland and grassland important for biodiversity? Is MM51 necessary for soundness?
- 13.12 Would an access off Shaw Lane to serve a smaller part of the site be appropriate and justified?
- 13.13 Is PR85 necessary for soundness?
- 13.14 Is the development proposed deliverable in the timescales envisaged in the delivery trajectory (Housing Trajectory BP4 and MM125 in SD30)?

Site AC16, Land off Broadway

The site is proposed for approximately 200 dwellings and green space.

- 13.15 What is the justification for referring to this as a 'mixed use' site? Are the overall scale and proposed uses justified?

13.16 Is PR86 necessary for soundness?

13.17 Is the development proposed deliverable in the timescales envisaged in the delivery trajectory (Housing Trajectory BP4 and MM125 in SD30)?

Site AC40 Former Wombwell High School, Wombwell

The site is proposed for approximately 250 houses and a primary school.

13.18 What is the justification for referring to this as a 'mixed use' site? Are the overall scale and proposed uses justified?

13.19 Is the development proposed deliverable in the timescales envisaged in the delivery trajectory (Housing Trajectory BP4 and MM125 in SD30)?

Site MU1, Land south of Barugh Green Road

The site is proposed for mixed use development including approximately 1700 dwellings, 43 hectares of employment land, a primary school and other community infrastructure.

13.20 Are the overall scale and mix of uses appropriate and justified? Is the policy sufficiently clear about the type of community infrastructure that will be provided, in particular the scale of retail provision and type of community facilities necessary? Is a wider range of uses justified?

13.21 Is Policy MU1 sufficiently clear about the phasing of the different proposed uses?

13.22 What role would the proposed Claycliffe Road link have within the wider strategic highway network and in serving new development on the site?

13.23 Are the policy criteria sufficient to ensure that the proposal would not cause unacceptable effects on biodiversity including Redbrook Pastures Local Wildlife Site?

13.24 Are the policy criteria sufficient to ensure that Public Rights of Way will be protected or alternative routes provided in accordance with Policy GS2?

13.25 How has investigation of ground stability and contamination issues informed Policy MU1 and has this adequately been taken into account? Should reference to this be deleted as proposed in MM50?

13.26 Are MM50 and PR83 necessary to ensure that Policy MU1 is sound?

13.27 Is the development proposed deliverable in the timescales envisaged in the delivery trajectory (Housing Trajectory BP4 and MM125 in SD30)?

Main Matter 14 – Development management policies

General (Policies SD1, GD1, GD2 & ED1)

- 14.1 Is Policy SD1 consistent with national policy as set out in the National Planning Policy Framework (NPPF)? Is MM8 necessary to ensure soundness?
- 14.2 Does Policy GD1 set out all the relevant criteria for assessing development proposals? Is MM9 necessary to ensure soundness?
- 14.3 Is MM10 necessary to ensure that Policy GD2 is consistent with national policy?
- 14.4 Do Policies SD1, GD1 and GD2 have a logical position within the plan?
- 14.5 Is Policy ED1 effective and does it make clear what is being sought through the policy? Is it necessary to repeat the Mixed Use site policies in this chapter? Is MM52 necessary to ensure soundness?

Employment (Policies E3, E4, E5, E6, E7, E8)

- 14.6 Is the modification proposed in MM12 (SD30) necessary to ensure that Policy E3 is sound?
- 14.7 Is the approach to development on employment land (Policy E5) and protecting existing employment sites (Policy E6) justified, effective and consistent with national guidance?
- 14.8 Do Policies E7 and E8 provide a positive and effective approach to supporting tourism and the rural economy? Is PR17 necessary to ensure that Policy E8 is sound?

Housing (Policies H4, H10)

- 14.9 Does Policy H4 provide sufficient flexibility to accommodate ancillary uses on allocated housing sites? Is PR78 necessary for soundness?
- 14.10 Is PR79 necessary to ensure that Policy H9 is sound?
- 14.11 Is Policy H10 effective and consistent with national policy in the NPPF? How would 'larger dwellings' be defined and how would such proposals be assessed? Are any further controls justified in respect of Houses in Multiple Occupation? Is PR80 necessary for soundness?

Sites for Travellers and Travelling Showpeople

- 14.12 Does Policy GT1 set out clear and reasonable criteria to enable planning applications for sites to be assessed? Are there any differences from the criteria which would apply to general housing? Does the Gypsy and Traveller Needs Assessment (EB62) identify any requirements for travelling showpeople?

14.13 Are PR81 & PR82 necessary for soundness?

Transport (Policies T1 – T5)

14.14 Are MM54 – MM68 necessary to update the Transport Chapter and policies to ensure soundness? Are any further updates required in response to the HS2 update provided by the Council (BMB) following the Secretary of State for Transport's announcement on 17 July 2017? Is PR87 necessary for soundness?

Local Character (Policies D1 & LC1)

14.15 Has the Council prepared a revised wording for Policy D1 following the Stage 2 hearing sessions?

14.16 Is Policy LC1 to be re-located to this chapter and is a main modification to Policy LC1 necessary to correct references to the Peak District National Park?

Barnsley Town Centre (Policies BTC1 – BTC11)

14.17 Are the updates and clarifications in MM74 – MM101 necessary to ensure soundness?

14.18 How does Policy BTC4 relate to the Green Space Strategy?

14.19 Are the locations for tall buildings referred to in Policy BTC6 shown on the Policies Map?

14.20 Is Policy BTC8 necessary having regard to Policy GD2?

14.21 Is Policy BTC9 required specifically for the town centre and how does it relate to Policy T3?

Green Belt and Safeguarded Land (Policies GB2, GB3, GB4, GB5 & GB6)

14.22 Is Policy GB2 justified and consistent with national policy as set out in the NPPF? Is the terminology used consistent with national policy including 'not materially larger'? Is the second bullet of the policy clear and effective? Is there any duplication with Policy GD1? Is PR89 necessary for soundness?

14.23 Is Policy GB3 consistent with national policy on the Green Belt as set out in the NPPF? Why does the policy refer to the 'existing dwelling' in the bullets under sub-paragraph 2? Is there any duplication between the policy and Policy GD1? Is PR90 necessary for soundness?

14.24 Would Policy GB4 apply to areas outside the Green Belt? Is there any duplication between the policy and Policy GD1? Is PR91 necessary for soundness?

- 14.25 Would Policy GB5 apply to areas outside the Green Belt? Is there any duplication between the policy and Policy GD1? Is PR92 necessary for soundness?
- 14.26 Is the supporting text to Policy GB6 consistent with national policy on the Green Belt as set out in the NPPF? Are MM108 and MM109 necessary for soundness? Are any further modifications necessary following the discussions during the Stage 2 hearings?

Climate Change (Policies CC1, CC2 & CC3)

- 14.27 Are any further modifications to Policies CC1 – CC3 necessary following the discussions during the Stage 2 hearings?

Renewables (Policies RE1 & RE AC1)

- 14.28 Is Policy RE1 consistent with the legislative requirements in the Town and Country Planning Act 1990 in relation to designated heritage assets? Would the modifications in MM115 ensure that the policy is sound in this regard? Is PR93 necessary for soundness?
- 14.29 Will Policy RE AC1 be effective having regard to the reference to a Supplementary Planning Document?
- 14.30 Is the new supporting text proposed in MM114 necessary for soundness?

Minerals (Policy MIN1)

- 14.31 Would the proposed modifications to Policy MIN1 in MM116 ensure that the policy is sound? Would it give sufficient guidance on how proposals for the exploration, appraisal and production of shale gas would be assessed to ensure that it is effective?

Community Infrastructure (Policies I1 & I2)

- 14.32 Are any further modifications to Policy I1 necessary having regard to the reference to the Community Infrastructure Levy proposed in MM120? Is the reference to broadband provision within the policy justified?
- 14.33 Would the proposed modifications to Policy I2 in MM121 ensure that the policy is sound?

Main Matter 15 – Miscellaneous Matters

- 15.1 Are any further modifications to the Policies Maps necessary in addition to MM129 – MM157?
- 15.2 Should the green boxes eg p245 include Core Strategy policies?
- 15.3 Is it clear whether any or all criteria in a policy have to be met to comply with the Policy?

15.4 Are any modifications to the Appendices necessary?