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

Question

13.1

(i) No. The current wording is lacking in definition and detail and appears to indicate that only the minimum of detail is required to secure planning permission. This will leave it open for developers to seek to amend schemes or conditions after the event.

(ii) MM 48 seeks to improve on this but the words "...expected to comply...." still leaves the policy open to interpretation. The words "...will comply before planning permission is granted...." would make MM48 stronger.

(iii) MM 49 merely corrects a typing error.

(iv) My specific comments on Q13.1 in relation to Site MU1, Land south of Barugh Green Road are shown in (v) to (xviii) below.

(v) I have previously given full commentary on my strong objections in relation to this proposal under the Local Plan Consultation Draft 2014 (LPCD 2014) and the Local Plan Publication Draft 2016 (LPPD 2016) procedures.

(vi) I have consistently expressed my concerns that the land is incorrectly described as "Land South of Barugh Green Road". Clearly it is much more than that since it covers the whole of the existing Green Belt area between, Pogmoor, Gawber, Redbrook, Barugh Green and Higham and should have been clearly identified as such in the Local Plan Publication Draft 2016.

(vii) The current definition meant nothing to the residents of Pogmoor and initially resulted in them not knowing/understanding what this means for the properties on the Eastern boundary of the site including Wharfedale Road, Harden Close, Drury Farm Close, Colster Close etc, etc.
(viii) It was only the work of Keep It Green 2014 which brought this issue to the attention of the local community affected by the proposals for Site MU1.

(ix) I have particular concerns on the proposed destruction of well managed arable farmland to the west of Wharfedale Road.

(x) The building of houses on this farmland would result in extra traffic generation on limited access roads in the area (i.e. Wharfedale Road/Farmhouse Lane/Pogmoor Lane/Oakfield Walk/Church Street/Beever Lane) together with access problems into Pogmoor Road from Farmhouse Lane/Wharfedale Road and Wharfedale Road into Church Street Gawber which already suffers from through traffic "short cutting" designated routes.

(xi) I have also consistently expressed my concerns on the need to challenge the Council's background motives in relation to Site MU1 which are clearly linked to its "aspirations" under the Sheffield City Region (SCR) regime and the attraction of related funding sources from the Sheffield City Region Investment Fund (SCRIF).

(xii) It remains to be seen whether or how the Council's involvement in the current push for a full devolution deal for the whole of Yorkshire will affect the future, and its own commitment to the Sheffield City Region.
(xiii) The Council has disregarded the concerns expressed over the last three years by existing local resident "stakeholders" under the SHLAA, the Local Plan Consultation Draft 2014 and the Local Plan Publication Draft 2016 procedures on the problems that the development of Site MU1 will bring to the existing area.

(xiv) My other consistent concerns relate to the way the Green Belt Review was carried out, the identified flaws therein and the implications for Site MU1 which resulted in a low score compared to similar sites and which also failed to recognise the links of site MU1 to Barnsley's Industrial Heritage in the scoring mechanism.

(xv) The questions asked below only scratch the surface of what is clearly a matter of concern to the local community, particularly the way the Council has chosen to deal with the matter under the consultation procedures.

(xvi) There needs to be a strong challenge and searching questions on the way the Council has acted in this matter rather than what could be interpreted by the community as a tick box exercise on a "give the Council what they want and more" basis.

(xvii) It is recommended that the Planning Inspector re-visits and further examines the full history and background issues relating to this proposal together with the detailed concerns expressed on the soundness of the policy by representors and the local community under the earlier consultation procedures.

(xviii) My further comments on the Stage 3 Matters, Issues and Questions (MIQs) specific to Site MU1 are shown below.

Site MU1, Land south of Barugh Green Road

13.20

(i) It appears clear that this proposal would not be attractive to the development market without public financial intervention and external funding.

(ii) The mix of development proposed appears to be on the basis of the need for cross subsidy between various elements within the overall scheme.
(iii) The size of some of the proposed industrial "sheds" would be totally out of scale with the existing surrounding area. The latest development at Capitol Park is witness to this.

(iv) Similarly, the proposed mix and scale of industrial "sheds" so close to existing and proposed housing is incompatible with other policies relating to traffic generation, noise pollution, air quality etc. which are in the LPPD 2016.

(v) There will be a resultant loss in the quality of life for the existing residents who live on the fringe of the site and enjoy its current Green Belt amenities. This would be incompatible with Policy GD1.

(vi) The policy set down in the LPPD 2016 represent a shopping list of preferred uses for the site but is silent on the actual size and mix of those uses. Whether there is a demand for such uses appears unproven.

(vii) The policy is unclear on what is meant by "community Infrastructure".

(viii) The whole policy as set down is vague enough to consider that the policy is unsound.

(ix) It is clear however, that this policy follows the proposals in the Master Plan prepared by the promoters of Site MU1. Concern has previously been expressed on the way that the Local Plan process has been used by the Council in conjunction with the promoters of the site since 2013.

(x) It should be noted that initially this information had to be obtained by the submission of a Freedom of Information Act (FOIA) request to the Council when it became apparent that there was behind the scenes discussion between the Council and developers. These discussions have clearly influenced the Council in its thinking.

(xi) It should also be noted that in one instance an FOIA application seeking information on the background legal issues to these discussions was refused by the Council.

(xii) It continues to be clear from further information received under the FOIA that the Council and the sites promoters are pushing ahead with legal,
marketing and other matters in full anticipation of the Local Plan being approved. This is of serious concern.

(xiii) The fact that this has been ongoing for more than 3 years, long before the LPCD 2014 and the LPPD 2016 consultations, undermines the purpose of the NPPF, together with the soundness and credibility of the local plan consultation process such that it is easy for the community to form the opinion that the whole consultation process has been a sham and therefore unsound.

(xiv) It is noted from the Council's Capital Programme for the Quarter ending 30/06/17 report that the Outputs/Outcomes for Site MU are shown as follows:-

M1 Junction 37 (85.85 hectare)
- 3,851 direct jobs
- 231,060 sq. m. of commercial floor space (based on 60sqm per job) by 2033
- 1690 new homes

(xv) No specific demand, timing, phasing, type and mix of uses and jobs is mentioned.

(xvi) It is noted in the report that "the Outputs/Outcomes are linked to the areas allocated through the Local Plan process and are still subject to change". It is apparent therefore, that this policy is less than clear and therefore unsound.

(xvii) It is also noted that the "1A SCRIF Business Case is to proceed to 1B full business case" which again demonstrates the Council's full anticipation of the Local Plan being approved.

(xviii) It needs to be also clearly recognised and understood that other external financial policies appear to be driving the planning agenda, including the New Homes Bonus, Section 106 Agreements, Business Rate Retention and the Community Infrastructure Levy.

(xix) In addition, the removal of Revenue Support Grant by 2020 requires the Council to seek to increase its Council Tax Base which is a key factor in driving the agenda to build more houses and industrial units.
This should not be at the expense however, of sound long term planning policies.

13.21

(i) No. The policy for MU1 does not show any phasing other than reference to "The development will be subject to the production of a phased masterplan covering the entire site which seeks to ensure that other uses come forward before completion of the housing".

(ii) It will come as no surprise to anyone that the "masterplan" will be that submitted by the promoter of the site rather than a full masterplan being prepared by the Council in view of the scale and nature of the Site MU1 proposals. Should not a Supplementary Planning Guidance have been produced by the Council for public consultation in order to provide a more detailed explanation of how strategic policies of the LPPD 2016 and this proposal in particular, can be practically implemented?

(iii) See also my response above to 13.20.

13.22

(i) The Council did not consult on the Claycliffe Link Road proposals before it was submitted to the SCR as an application for funding under the SCrif programme. The SCR did consult on the whole of the SCrif proposals for South Yorkshire in 2013 which resulted in only 11 responses being received. This poor response appears to be a sad reflection of the apparent mystique in which the Council and the SCR act in relation to consultation.

(ii) It is clear that a political decision was taken many years ago by the Council to build the Claycliffe Link Road. The missing part of the jigsaw was funding which has now been fortuitously resolved by the SCrif programme. The Local Plan has merely become a means to an end in this process.

(iii) There has been an extensive exchange of correspondence with different Council departments over the last four years seeking answers to a number of issues centred around the proposed Claycliffe Link Road, including the business case thereof, Gross Value Added (GVA), ownership etc which have met with mixed responses.
Of particular note was one response letter dated **28/08/14** from the Council’s Head of Highways and Engineering which set down the detailed statutory procedures which would be followed for any new highway scheme. None of which appear to have been made apparent yet.

The Council’s Head of Highways and Engineering also said in September **2014** in relation to the Claycliffe Link Road that "**that the Local Plan and the highway scheme are linked**". Clearly this has not been replicated in the way that the Council has chosen to deal with it under the Local Plan consultation procedures.

The Council has had ambitions for a "Northern Orbital Route" for many years.

The LPPD **2016** is silent about such a proposal, the only reference being to "**including a link road**" in the "**master plan**" requirements for Site MU1.

The paper submitted to the Sheffield City Region Local Transport Body meeting on **26/07/13** described the road as the "**M1 J37 Clayliffe link - Bypass from M1 J37 to connect with A635 at Claycliffe**".

The supporting **SCRIF** application pro forma is littered with the word "**strategic**".

The existing "**master plan**" prepared by the promoter of the site also uses the word "**strategic**" in relation to the link road.

It is clear from the examination of past evidence that the proposed link road is much more than a "**spine road**" to service development as described by Council representatives at the Stage 2 hearings.

It is also clear that work has continued on the **SCRIF** application and design work on this scheme in the absence of a statutory planning background.

What is not clear is what the effect would be on the adjacent local road network having regard to existing traffic levels and other nearby new on-going housing developments where additional traffic will no doubt feed into the proposed link road on its way to J37 of the M1.
(xiv) There would be high levels of increased traffic generated from the proposal.

(xv) 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.

(xvi) 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.

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

(xviii) 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.

(xix) The LPPD 2016 contains no detailed information on what mitigation measures will be put in place, or indeed if such measures are even possible to deal with this increased volume of traffic.

(xx) The views of Highways England are not convincing in this regard.

13.23

(i) No. The policy criteria in the LPPD 2016 consultation document merely states:

"create/retain wildlife corridors through/ across the site"

(ii) There appears to have been no detailed biodiversity or ecological assessment of the effects of the development of site MU1 resulting in the loss of Greenbelt Land and wildlife habitat.

(iii) My comments made in relation to the LPPD 2016 consultation included references to the very extensive wild life species spotted in the area bounded by Pogmoor, Gawber, Higham, Redbrook and Barugh Green.
(iv) The existing grasslands, woods and managed farmland provide a diverse set of conditions throughout the seasons for such species to survive.

(v) To "create/ retain wildlife corridors through/ across the site" would do nothing to protect the existing wildlife habitat which would be disturbed and destroyed throughout the development process for ever.

(vi) The loss of this Green Belt would result in a loss of habitat for the species mentioned together with the loss of a facility which is valued by the community now, and would be for generations to come.

(vii) The current policy proposals do not answer this question.

13.24

(i) No. There is no reference to the protection of Public Rights of Way or alternative routes being provided in the wording of Site MU1 in the LPPD Draft 2016 consultation document.
(ii) Policy GS2 does have some relevance but having regard to the scale of the proposal this should be included in the policy wording for site MU1 as should all of the relevant policies elsewhere in the **LPPD 2016**.

**13.25**

(i) It is unclear from the **LPPD 2016** consultation document what ground stability and contamination issues have been investigated.

(ii) Has **MM50** been proposed because of the current lack of detailed site investigations?

(iii) My comments in **September 2012** on the Council's then Local Development Framework (LDF) and the subsequent Sheffield City Region's SCRIF prioritised scheme list consultation in 2013 were as follows:-

"I have looked at the detailed supporting "Employment Sites Selection Criteria and Scoring" and "Selected Employment Sites Profiles" documents and noted the number of outstanding issues on each of the proposed sites which would need resolution before any future development could take place.

With all these many key outstanding and risk issues to consider/resolve such as sustainability, developability, accessibility, environmental impact including services, access, transportation, residential amenity etc it is difficult to understand why the sites have been proposed."

(iv) The wording of **MM50** is inconsistent with the actual wording in the **LPPD 2016** consultation document.

(v) Having said that **MM50** does say:-

delete first bullet point “undertake ground stability and contamination investigations prior to development and complete necessary remedial works”.

(vi) For the reasons stated above, it is strongly recommended that this condition **should be re-instated** within the **LPPD 2016** and **MM50 should be deleted** from the Minor Modifications List.
13.26

(i) No. By their very nature and wording, MM50 and PR83 do not make policy MU1 sound.

(ii) Sufficient views and comments have been put forward from many sources during the earlier LPCD 2014 consultation, the LPPD 2016 consultation and the Examination in Public Hearing Statements on all aspects of this proposal, including on what perhaps could be interpreted by the local community as a prejudicial brief and skewed subjective methodology employed in seeking to justify a pre-determined policy in taking this site out of the Green Belt, and why the resultant policy for Site MU1 is unsound.

(iii) In the interests of brevity these are not replicated again here.

(iv) The fact that the Green Belt Review produced the answer which the Council was looking for does not make it sound or reasonable. A different brief would have produced a different answer.

(v) The Council's current approach appears throughout the consultation process to have been "object all you like, it will make no difference".

13.27

(i) It is noted that in the Housing Trajectory BP4 table Site MU1 (Site 215 in the Strategic Housing Land Availability Assessment (SHLAA) report) there is no description or site address shown.

(ii) It is also noted that the housing development period of 1700 houses covers 15 years commencing 2018/19 to 2032/33.

(iii) It is assumed that this development period is now incorrect in view of the passage of time from when the table was originally produced.

(iv) In reality it is well known that the actual development period will be controlled by developers based on market demand, pricing, the local/national economy, central government's current "loose monetary" policies and other local financial incentives which will not last forever.
(v) Such a long development period would mean disruption for the existing local community and possible downward effect on values and "blight" for existing householders properties as a result of the loss of the existing environmental, visual and recreational facilities which the current Green Belt offers.

(vi) It will also lead to the loss of the identities of the existing distinct and separate local settlements.

(vii) The reliance of Policy GD 1 will not be sufficient in this regard.

(viii) **My strong objections to the proposal for Site MU1 remain the same.**

(ix) **Site MU1 should be deleted from the LPPD 2016.**