

Barnsley Local Plan Examination

Inspector - Mrs S Housden BA (Hons) BPI MRTPI
Programme Officer – Mr Richard Gilbert 07713326295
po@barnsley.gov.uk

Ms P Tweed
Planning Policy Group Leader
Place Directorate
Economic Regeneration Service
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley
South Yorkshire
S70 9GG

24 May 2018

Dear Ms Tweed,

Barnsley Local Plan Examination – Post Hearings

1. I am writing following the closing of the Stage 4 Hearings and the accompanied site visit to Site H73 on 8 May 2018 to set out my observations on the plan at this stage and on the way forward with the Examination. This letter refers to the employment land requirement, five year land supply, Examination Consultation sites EC9, CA2a, EC11, EC6, EC7, EC1 and EC2 in the submission plan and the implications of a recent Court of Justice of the European Union (CJEU) judgement for the Habitats Regulations Assessment.
2. My comments are based on all the representations and evidence that I have read and heard at the Stage 1, 2, 3 and 4 hearing sessions including the Council's response to my interim findings. However, I emphasise that the Examination is not yet concluded and consultation on further Main Modifications (MMs) is still to take place. Consequently the comments in this letter are made without prejudice to my conclusions in my final report on the Examination.
3. The Council has published a table of Proposed Modifications on the Examination web site (SD30 Version 1.5). This was the subject of further discussion at the final hearing session on 27 April 2018 to establish which of those should be treated as main modifications and which should be additional. This letter focuses on those areas where further changes to the Proposed MMs will be necessary and where further MMs will be needed to address matters of soundness. My final report will also cover other matters that have arisen during the Examination but which are not referred to in this letter.

4. Subject to the necessary MMs to deal with the matters below, my current view is that the plan is likely to be capable of being found legally compliant and sound. I will set out my reasoning for this conclusion in my final report. In the meantime, I intend to liaise with the Council on any further changes necessary to the wording of the current Proposed MMs and the wording of any further MMs which are produced in response to this letter. In so far as is necessary, the final Schedule would then be subject to further Sustainability Appraisal and assessment under the Habitats Regulations Assessment and full public consultation.

Revised Jobs Target and Employment Land Requirement

5. Main Matter 16 covered the Council's revised jobs target (reduction from 33,000 to 28,840 or 23,560 FTE) and the employment land requirement. Notwithstanding the reduced jobs target, the Council is not proposing to reduce the employment land requirement of 307 hectares set out in Policies E1 and E2¹ of the submission plan. The Council's position is based on a number of factors including revised assumptions about the proportion of B1(a)(b)(c), B2 and B8 uses that are likely to come forward on the proposed allocated sites and the corresponding numbers of jobs created and the need to maintain a 'forward' supply of sites towards the end of the plan period in order to support continued improvements to job density within the Borough.
6. The 307 hectare figure itself represented an 'over' supply compared with the objectively assessed need for 291 hectares of employment land set out in the Employment Land Review (EB33) and the Employment Background Paper. The mix of employment uses and associated number of jobs that may come forward on the allocated sites over the plan period remains uncertain. However, I consider that in the context of the reduced jobs target, the employment land requirement set out in Policies E1 and E2 should be 291 hectares. It will be necessary to amend MM11 and MM290 accordingly and other consequential text changes may be required.
7. MM18 already proposes to reduce the employment allocation at site HOY1 from 52.3 hectares to 49.3 hectares with a corresponding Policies Map change. In addition, I consider that Site UB16 (9.3 hectares) should be deleted as an employment land allocation. Its deletion should form a further MM with corresponding Policies Map change. The site is the subject of a current outline planning application for housing and I consider that it should be identified as an additional housing site through a further MM and Policies Map change.

Five Year Land Supply and the Appropriate Buffer

8. Having regard to the housing requirement set out in the adopted Core Strategy, I consider there has been a persistent under delivery of housing.
9. At this point in time, a 20% buffer added to the five year supply of deliverable sites (brought forward from later in the plan period) is

¹ Proposed MM11 and MM290

appropriate and justified. However, for reasons which will be set out more fully in my final report, I consider that the backlog should be dealt with over the lifetime of the plan – the ‘Liverpool’ method. This permutation accords with the final table set out in the Council’s document BMBC044 and indicates a five year requirement of 7345 dwellings in the 2018/19 to 2022/23 period or 1469 per year. This should be included in the proposed MMs.

10. A MM is also necessary to update to the housing trajectory to take account of the site deletions and additional site which have been referred to in this letter and to ensure inclusion of the most recent trajectory within the plan. It would also be helpful to include the most recent position on the planning status of the proposed housing allocation sites as discussed at the hearing sessions, in particular where any planning permissions have been granted.

Examination Consultation Sites

Site EC9 - Land north of Darton Road, Cawthorne

11. The existing development to the north of Darton Road extends along a prominent ridge line creating a distinctive form and character to the village. More recent residential development has occurred between Darton Road/Taylor Hill/Tivy Dale and the A635 to the south. The proposed site allocation of 86 houses extending into the open countryside to the north of the village would be harmful to its existing form and character. The site also includes allotments proposed to be designated as greenspace under Policy GS2 of the submission plan. The northern boundary of the site is not delineated by any features on the ground which would create stark and harsh edge to the northern boundary of the development for a considerable period of time.
12. For these reasons, I conclude that Site EC9 would not be soundly based and should not be included as a housing allocation within the proposed MMs to the plan. The site should remain as safeguarded land (SAF27) as proposed in the submission plan. It follows that the exceptional circumstances for the release of Site CA2a from the Green Belt for additional safeguarded land have not been demonstrated and the site should not be included within the proposed MMs.
13. Site EC9 and safeguarded land Site CA2a formed part of the Examination Consultation on additional sites and were not proposed as part of the submission plan. Consequently their deletion would not form part of the proposed MMs. Nonetheless, in the interests of fairness, I intend to invite representations on their omission from the plan as part of the consultation on the MMs.

Site EC11 - Land at Silkstone Common

14. Development of this site would result in the loss of an undeveloped gap which forms a transition between the main built-up area of the village and the more dispersed development within the open countryside to the south of the Transpennine Trail. The consolidation of development at this point would be harmful to the existing compact form and character of the village.
15. Furthermore, the mature trees along the Transpennine Trail banks make a significant contribution to the landscape setting and visual amenity of this part of the village. Whilst they would be outside the site boundary and individual garden curtilages, the location of development to the north of the trees would be likely to cause pressure for removal or tree works from individual householders.
16. For the reasons outlined above, I consider that Site EC11 would not be soundly based and that the exceptional circumstances to justify the removal of this site from the Green Belt for housing development have not been demonstrated. However, Site EC11 also formed part of the Examination Consultation on additional sites and was not proposed as part of the submission plan. Consequently its deletion would not form part of the proposed MMs and in the interests of fairness, I intend to invite representations on its omission as part of the consultation on the MMs.
17. Sites EC6 and proposed safeguarded Site EC7 at Oxspring also formed part of the Examination Consultation on additional sites but the Council concluded that they should not be taken forward having regard to Historic England's representations on the effect on designated heritage assets. Nonetheless, in the interests of fairness I intend to invite representations on the omission of Sites EC6 and EC7 as part of the consultation on the MMs.

Sites EC1 and EC2 - Land to the north of Staincross Common

18. Site EC1 formed part of a larger area proposed to be released from the Green Belt and identified as safeguarded land in the submission plan (SAF5). It was consulted on as an additional site during the Examination Consultation for 669 dwellings. Site EC2 to the north is proposed to be removed from the Green Belt and designated as safeguarded land and could accommodate approximately 675 dwellings.
19. The combined development of Sites EC1 and EC2 would represent a significant scale of development. Limited supporting technical evidence has been supplied in relation to capacity in local infrastructure, the impact of the proposed development and specific requirements to mitigate its impact. The effect of additional traffic movements on the local highway network is a matter of concern given the proximity and cumulative impact of other proposed developments including at Royston and Mapplewell. At the hearing sessions it was indicated that scoping work for a Transport Assessment was underway but the extent of the necessary highway works is unclear. The Council has also indicated that secondary school capacity at Darton College would also need to be addressed.

20. The Planning Practice Guidance advises that 'Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions). Whilst production of a masterplan framework for the site could form a MM, at a plan level I am concerned that the proposed allocation of Site EC1 has not been fully justified and that exceptional circumstances have not been demonstrated to justify its release from the Green Belt for housing development. As such, the proposed allocation is not soundly based and I consider that the site should remain as safeguarded land as proposed in the submission plan. The exceptional circumstances for the release of Site EC2 from the Green Belt for additional safeguarded land have not been demonstrated and it should not be included as additional safeguarded land within the schedule of proposed MMs.
21. Site EC1 and proposed safeguarded Site EC2 also formed part of the Examination Consultation on additional sites. Consequently their deletion would not form part of the proposed MMs. Nonetheless, in the interests of fairness I intend to invite representations on the proposed omission of Sites EC1 and EC2 as part of the consultation on the MMs.

Habitats Regulations Assessment

22. On 12 April 2018 the CJEU issued a judgement in the case of People over Wind, Peter Sweetman v Coillte Teoranta which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.
23. I would therefore advise the Council to confirm the extent to which they consider the Habitats Regulations Report is legally compliant in the light of the judgement and to review the screening assessment as part of this consideration. If the review of the screening assessment concludes that an AA is required it will be necessary to carry this out and consider whether the AA necessitates any additional MMs to identify and secure additional avoidance and reduction measures. In undertaking this review, the Council should consult Natural England and have regard to any representations made by them.
24. Assuming that the Council would be content to adopt the plan subject to these modifications, I will continue to liaise via the Programme Officer to finalise the Proposed MMs, the changes to the Policies Maps and arrangements for consultation on the MMs. Should this not be the case I would be grateful if you would advise me of the Council's position. I am not inviting or proposing to accept comments on the contents of this letter from any other Examination participants. However, there will be further public consultation on the proposed MMs.

25. Please let me know via Mr Gilbert if there are any questions in the meantime.

Yours sincerely

Sarah Housden

INSPECTOR