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**Planning & Building Control Service  
Development Management  
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Head of Service: Joe Jenkinson**

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Mr Nigel Cussen

My Ref: 2021/1089 and 2021/1090  
Your Ref:  
Date: 21st January 2022  
Enquiries Stacey White  
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Dear Mr Cussen

**PLANNING APPLICATIONS:** 2021/1089 & 2021/1090  
**LOCATION:** MU1 site, Land South of Barugh Green Road, Barnsley

I am writing to provide you with a summary of consultation responses following the formal consultation undertaken on the above-mentioned planning applications as part on the ongoing dialogue between officers and the applicant.

Firstly, I wanted to acknowledge the positive response to further information requests so far in response to consultee feedback. The following consultee responses raise no objection (subject to conditions in some instances):

- Conservation Officer
- Superfast South Yorkshire
- Coal Authority (for 1089, objection received for 1090 see below for details)
- Yorkshire Water
- Enterprise Barnsley (supports the proposal)
- Contaminated Land
- South Yorkshire Police

The following matters are not an exhaustive list but provide a summary of the issues raised within responses from consultees that are material planning considerations and will influence the outcome of the planning applications. In some instances, the consultee responses require the submission of amended/supplementary reports or information that seek to address those comments. Unless otherwise specified, the comments relate to both planning applications.

As the applications are accompanied by an Environmental Statement, additional information requested within this letter are likely to influence the contents of the ES. In accordance with Regulation 25 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, this letter should be accepted as a formal request for supplementary information as necessary to reach a relevant and reasoned conclusion on the likely effects of the development.

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Due to the scale of the information requested and likely changes this will prompt to the proposals, it is expected that following submission of this information, a formal re-consultation will be necessary. I will further advise if this is the case as required and follow the procedures outlined in the EIA Regulations 2017.

### Matters of principle

It is noted in the Transport Assessment that there are assumptions made relating to the traffic generated from a proposed drive thru restaurant. The proposal for a drive thru is not clear in other areas of the planning application detail but following discussion via telephone you have confirmed that there is an intention to deliver a drive thru within the commercial proposal at the southern end of the site (2021/1089) and that the intention is that this would be covered within use class E which is included within the description of the outline element of the hybrid application.

Policy E3 of the Local Plan sets out the uses that are acceptable on employment sites. Whilst it is recognised that recent changes to the Use Classes Order include former B1 uses within use class E, it must be demonstrated that any proposed uses are compliant with Policy E3. The policy does refer to other uses potentially being acceptable as ancillary to the business park, but these must be of an appropriate scale and complement the employment use without having a detrimental effect on matters of amenity, vitality and viability of existing centres or other material considerations.

For the avoidance of doubt, we do however strongly oppose a drive thru restaurant, and it is recommended that any reference be removed from the application as soon as possible. The Local Planning Authority have been consistent in resisting such uses since the Local Plan process began. Indeed, the inclusion of those uses (as well as a hotel) was a discussion point during the Local Plan Examination in Public, during which we reiterated our opposition.

### **Ground Condition**

The application site falls within the defined Development High Risk Area and the site and surrounding area contain coal mining features and hazards which need to be considered in relation to the determination of these planning applications.

In terms of 2021/1089 (commercial element) the Coal Authority has no objection subject to the imposition of conditions to secure further investigation/detail to inform the detailed layout taking account of the position of mine entries.

In terms of 2021/1090 (residential element), the Coal Authority has raised concerns on the basis that the intrusive site investigations need to be undertaken in advance of a detailed scheme being approved. The Coal Authority would expect that those investigations should inform the detail of the site layout for phase 1A.

It is my understanding that the full and detailed Site Investigation report is likely to be submitted by late February together with a Remediation Statement/Strategy. I look forward to receiving this in due course.

### **Landscape Impact**

Whilst it is accepted that a development of this scale will unfortunately lead to landscape impact, the current assessment and conclusions drawn are unacceptable

without exploration of alternative options to seek to understand whether impact can be reduced.

The Landscape and Visual Impact Assessment (LVIA) currently identifies a significant adverse impact but does not explore any alternative strategies (such as cut and fill or reducing the commercial unit heights) to seek to reduce that impact. Both residents and elected members have raised concerns around the impact of the proposed cut and fill and the adequacy of the submitted information to fully understand that impact; I also share those concerns.

We have commissioned the services of Xanthe Quayle to provide an independent assessment of the LVIA to understand what further submissions may be necessary or amendments to the scheme to seek to reduce that impact.

#### Review of landscape assessment

The proposal results in the unavoidable loss of extensive defining features of the Landscape Character Area; namely of gently rolling landform, fields, some areas of scrubby, compartmentalised field units, hedgerows and small watercourses which combines form a clear landscape structure.

The designed amenity landscape that replaces it (around 30% of the site) is not a direct replacement for the loss of this landscape character. Furthermore, the introduction of large-scale employment sheds of the heights proposed is uncharacteristic of LCA E2, and will be incongruous with it, although residential development is a feature.

We have requested a 3D model to show the proposed finished levels together with full longitudinal cross sections for each development platform. Whilst it is recognised that the majority of the proposal is in outline in terms of the residential or commercial units proposed, it would be helpful for the 3D model to incorporate the likely type of units proposed (in terms of scale and density to allow a full assessment of impact).

#### Review of Visual Assessment

It is important to highlight that the effects of an 11' year build programme is a significant timeframe in the life of a resident; further consideration of phasing is necessary to assist with assessing the effects.

Xanthe has identified several issues with the assessment conclusions in terms of impacts on views into the site from near-middle distance which are considered to be transformative. Extensive middle-distance views from Mapplewell are not considered for example from Darton Lane, Swallow Hill Road, B6428, Hill End Road and Lidgett Road. Employment development will be 'perched' in the landscape across views and of considerable scale. The effects of the development from the motorway is also considered to be underassessed.

#### Review of mitigation strategy, residual effects and summary

As the most significant tract of open landscape within the Landscape Character Area, the development will result in the effective loss of the E2 Barnsley Settled Wooded Farmland.

Whilst it is noted that the layout is very consistent with the outline Masterplan Framework and claimed to be consistent with the Design Code principles and character areas, it isn't immediately evident how the proposals are place specific.

There is also a lack of clarity regarding the suggested distinction between the character areas (from a materials/landscape perspective). It is difficult to see this is a landscape-led approach given the lack of supporting information to support the assessment as well as the scale and height of the proposed commercial units.

### Loss of Trees

Initial comments from the Tree Officer have now been received and forwarded to you. The initial view is that there appears to have been little attempt made to incorporate trees into the scheme. Whilst it is accepted that the proposed cut and fill will lead to some loss, the assessment does not currently demonstrate that consideration has been given to the opportunity for retention.

Whilst the survey notes that it is preliminary and dependent on final confirmation of the layout, it appears there is confusion over the levels strategy and whether trees will be affected by that. This is demonstrated through annotations on plans that lack certainty over whether the trees will be affected.

It appears that because the site is allocated for development, the tree constraints have been insufficiently assessed and loss justified. The levels and impacts on the trees need to be reassessed in conjunction with the arboriculture consultants and efforts to retain trees be made.

### **Design**

The preliminary response from the council's Senior Urban Design Officer has been forwarded to you separately to this letter and cover the main issues together with some detailed comments on the residential scheme. Further detailed comments on the employment proposals will be forwarded separately in due course.

The main issues that I would like to highlight are as follows:

### Yield

The indicative yield for site MU1 in the Local Plan is 1700 dwellings. The specified numbers on the outline application together with the full application for phase 1a exceeds that number. The hybrid application does not cover the full Local Plan allocation and as such it is unclear how the application site can accommodate the suggested numbers taking account of design/spacing standards and site constraints. The 'illustrative masterplan' shows individual dwellings and plot boundaries but does not include proposed car parking or proposed access to rear gardens for wheelie bin storage. Whilst it is appreciated that this would be indicative at outline stage, it would be a useful exercise to avoid a situation where the stated number of dwellings are higher than what can be accommodated

### Relationship to land within the masterplan area under separate ownership

Following the submission of planning application 2020/0977 by Countryside Properties for residential development within the north eastern section of the MU1 site, we have sought to follow through the design principles in the adopted Masterplan Framework including provision of road connections, landscaping and connectivity between the site and wider allocation.

The initial proposal for 2020/0977 felt very isolated and as officers we have spent a significant amount of time to ensure a more harmonious development which follows the principles of the Masterplan Framework. The planning application for the

Barnsley West development (2021/1090) now shows a severely severed connection to the north eastern side adjoining the Countryside scheme which will make access from this site to the central facilities (the school, community and commercial facilities) much more difficult and encourage more people to use private car as a means of travel. The proposed layout also reduces the value of the active travel routes for the overall Barnsley West site, as the previously shown north/south link is now curtailed.

### Design Panel Review

In accordance with the adopted Masterplan Framework, a Design Panel Review will be required. Having discussed this with the Senior Urban Design Officer, we feel that the appropriate timescale for that would be following the submission of relevant further information requested within this letter including revised layout, requested plot level detail and 3D modelling requested to fully assess the landscape and visual impacts of the proposal.

## **Highways**

### National Highways

The response from National Highways (formerly Highways England), includes a holding direction requesting that planning permission not be granted until further information is submitted, and assessment undertaken. This relates to issues within the Transport Assessment; assumptions within and further evidence requirements to allow a full assessment of the implications for the Strategic Road Network including functioning of the M1 J37 slip road. Please see the consultation response for specific details and information requests. This should be considered in conjunction with comments received from the BMBC Highways Development Control service.

### BMBC Highways Development Control

Several issues have been raised with the Transport Assessment as follows:

- *Scope of Assessment:* the extent of junctions assessed is insufficient to enable a full review of the impacts from a highway's viewpoint. The SPD sets the underlying thresholds of assessment which was communicated to the report authors in May 2021 as part of the EIA screening process. Furthermore, the scope of assessment appears to be based on the 18/19 methodology agreed with Aecom (on behalf of BMBC highways) and Highways England as part of a scoping exercise to understand the impacts on the M1 motorway and junction 37. This was deemed acceptable for the roundabout applications 2020/0027 & 2020/0028 as no development was attached but this is not considered suitable for the current applications. Finally, there is a lack of wider network assessment; the TA should be updated to include an impact assessment of all junction locations where over 30 two-way vehicle movement impact is predicted.
- *Trip Generation and Distribution:* Further assessment and clarification is required relating to types of trips relative to both applications, distribution and timeframes including weekend recreational movements.
- *Committed Development:* Further assessment required to consider cumulative impacts of committed development including Local Plan allocations.
- *Link Road Delivery:* Further details of phasing and overall delivery is required as this may influence the scenarios to be tested in the TA.
- *Planning Layout:* The TA does not currently include a submitted plan that is appropriate for assessment. As any decision will require a condition to reference approved plans, the appropriateness of the plans submitted with the TA needs to

be satisfactory. The illustrative masterplan does not meet that requirement to enable further comment.

### Public Rights of Way (PROW)

Due to the scale of the site and timeframes for earthworks and construction, there are concerns relating to both the temporary and long-term impacts on PROW; the proposals do not currently provide sufficient clarity or certainty in terms of the programme of temporary and permanent diversions.

You will be aware that proposals to permanently divert PROW are subject to a separate legal process. This needs to be discussed and agreed with BMBC Highways PROW as early as possible.

In terms of temporary closures during construction, the application states that PROW will be closed during earthworks and construction. This is unlikely to be acceptable due to the timeframe of construction and impact on accessibility and connectivity for surrounding residents.

It is currently unclear what status the new proposed routes serve through strategic landscaping nor where the maintenance responsibility sits. Further consultation on details and status is required both with BMBC Highways Development Control and PROW team.

A Construction Management Plan is required to include further details on the phasing of any proposed closures including details of diverted routes and delivery timeframes and mechanisms.

Please see full response for further comments relating to specific routes together with comments relating to gradient, materials, accessibility, and status.

### Proposed closure of Hermit Lane

Following your request for a view of the timings of and process for securing the stopping up of Hermit Lane, an internal discussion between myself, Highways DC and PROW was held. Further written comments have been submitted by PROW which Highways DC agree with.

Whilst it is accepted that certain principles of stopping up / PROW diversions have been established through adoption of the Barnsley West Masterplan Framework and the recent 2020/0027 & 0028 planning approvals, the Council's PROW team do not support the proposals based on the current information provided. If Hermit Lane was stopped up, this would sever the only direct links between Gawber and Higham, cutting off both the lane and the PROW that cross it, with no alternatives having been proposed. Hermit Lane is well used by PROW users, although it is unclear if the applicant has sought to quantify this through recent survey data. Furthermore, at this stage a large proportion of the site and therefore the existing PROW are essentially covered by an outline application only, so there is no timeframe or commitment to construction of an alternative.

A permanent diversion application for the PROW must be submitted and agreed in principle in order to obtain PROW's provisional support. Furthermore, it is advised that you contact the national caseworks team to obtain written advice over the stopping up of routes when seeking outline permission.

### **Noise**

Regulatory Services have requested the following documents prior to determination in order to seek to minimise the number of matters dealt with by condition and ensure that the construction impacts are understood and managed effectively for residents:

- Dust Management Plan
- Construction Environment Management Plan (CEMP)
- Noise Mitigation Scheme
- Construction Method Statement

In addition, a further noise assessment scenario is requested at 2026 which includes the full link road and the effects that this has on current and proposed residents. The current noise assessment refers to the 2026 scenario being phase1A up to a worst-case scenario of 275 dwellings for assessment purposed including the primary school and the first part of the link road running from Barugh Green Road to the northernmost internal roundabout.

Whilst it is understood that the applicant does not propose to deliver the link road in full by 2026, the local authority has always indicated the desire to deliver this as early as possible in the development and due to the gaps in the TA, the trigger point is yet to be determined to render this scenario unfeasible.

### **Air Quality**

As above, a further assessment scenario is requested at 2026 to include: Phase 1 of the residential development [which was assessed at a worst-case of 275 dwellings] the primary school and completion of the full link road, as the delivery timeframe of the link road is yet to be determined.

### **Drainage**

BMBC Drainage have examined the Flood Risk Assessment regarding the drainage of the site. Whilst no objection was received, the officer did raise concern around the suitability of the proposed outfall on Barugh Green Road as the watercourse has had a number of flooding events adjacent to Claycliffe Road. Officers are however satisfied that this issue can be dealt with via condition requiring further investigation relating to the outfall. This will ensure that no development takes place until full foul and surface water drainage details have been submitted and approved in writing and that no part of the development will be occupied or brought into use until the scheme has been fully implemented.

### **Biodiversity**

The applications currently lack sufficient ecological supporting information, and no biodiversity metric has been submitted. The adopted masterplan for site MU1 requires a minimum 10% net gain in biodiversity and as such this information must be submitted to firstly understand the baseline position followed by an assessment of where gains can be achieved.

Wildscapes CIC Ltd have been contracted by the local planning authority to provide certain responses on our behalf. Wildscapes have provided preliminary comments on these applications and they have been sent to you for your consideration.

### **Affordable Housing**

During the evolution of the Masterplan Framework, the Council advised that the affordable housing requirement across the entire site was 16% given that the allocation extends across three housing sub-market areas. The Phase 1 proposal shows 23% affordable housing, comprising a mix of 2 and 3 bed houses. The market properties on Phase 1 are 3, 4 and 5 bed houses. The applicant has confirmed that they are willing to reconsider the Phase 1 affordable housing provision to align more closely with the council's aspirations for the wider site.

It would be useful if the applicant could provide an overview of the affordable housing strategy for the wider allocation so that we can fully understand the rationale for the affordable units proposed on Phase 1. As discussed at our meeting with the applicant, we would be happy to provide a guide on the maximum/minimum house types, sizes, number of bedrooms to feed into the applicants Affordable Housing Strategy. This approach would allow us to assess how Phase 1 and the wider development could contribute towards meeting our affordable housing needs. It is important that we deliver the right mix of properties on this site, rather than delivering a higher than policy number of generic affordable units that do not align with our priorities and fail to address the identified need. The applicant has agreed with this approach and has committed to work with the council. Upon receipt of a revised accommodation schedule for Phase 1, the Strategic Housing and Growth Team will engage further with the applicant.

We would encourage the applicant to review the 2021 Strategic Housing Market Assessment (<https://www.barnsley.gov.uk/media/18806/barnsley-shma-final-report-2021.pdf>) and continue to engage with the Strategic Housing and Growth Team to reach a mutually acceptable mix and layout. As agreed, we will provide input on a phase by phase or as each reserved matters planning application is submitted. In addition, we would encourage the applicant to review the adopted and draft Affordable Housing SPD to ensure that design principles are adhered to (e.g. affordable properties are indistinguishable from open market properties).

The proposed site layout plan for Phase 1 suggests that all affordable housing will be clustered at the southern tip. It is noted that the applicant's justification for clustering the affordable units is due to the affordable properties being delivered through Modern Methods of Construction (MMC) to accelerate delivery and deliver a high-quality product. The Council appreciates that MMC delivers a high-quality product at a faster pace than a traditional build, however this should not be at the detriment of delivering mixed and balanced communities, contrary to Policy H6 of the Local Plan. The applicant has agreed to submit a revised layout plan taking into consideration concerns raised at a recent meeting. If the applicant wishes to pursue an MMC scheme, clear justification will be required to support several smaller clusters of affordable units across Phase 1 (e.g. minimum groupings required for MMC delivery and maintenance).

Please note, if affordable housing is delivered outside of the S106 Agreement, the applicant would require support from the council to access grant funding. Therefore, we would encourage the applicant to continue to engage with the Strategic Housing and Growth Team if they are minded to explore this avenue of delivery.

### **Concluding comments**

As stated at the beginning of this letter, its intention is to provide a summary of consultation responses and advise you of the main issues and matters arising following the formal consultation. You are advised to refer to the full consultation responses to inform the preparation of any supplementary information that is



requested. Following the submission of any further supporting information or plan amendments, it is expected that a re-consultation will be necessary; I will be in touch to discuss as required.

Yours sincerely



Stacey White

For and on behalf of:  
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