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GOVERNMENT OFFICE
FOR YORKSHIRE AND THE HUMBER

The Director of Planning and
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Barnsley Metropolitan Borough Council
Central Offices
Kendray Street
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Our Ref: YH5095/219/57
Your Ref: B99/1083/BA
Date: 17 December 2001

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Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
PLANNING APPLICATION BY WEST COACH PROPERTIES LTD AND B & Q PLC FOR
MIXED USE DEVELOPMENT INCLUDING ERECTION OF NON-FOOD RETAIL
WAREHOUSE, GARDEN CENTRE AND B1, B2 AND B8 UNITS ON LAND ADJACENT TO
WOMBWELL LANE/BLEACHCROFT WAY, STAIRFOOT, BARNSELY
PLANNING APPLICATION NO. B99/1083/BA

1. I refer to the above application which was considered at a public inquiry on 28 and 29 November 2000.
2. I attach for your information a copy of the Secretary of State's decision and also the Inquiry Inspector's report in relation to this proposal.

Yours faithfully

MATTHEW BOLTON.



INVESTOR IN PEOPLE



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**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
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MIXED USE DEVELOPMENT INCLUDING ERECTION OF NON-FOOD RETAIL
WAREHOUSE, GARDEN CENTRE AND B1, B2 AND B8 UNITS ON LAND ADJACENT
TO WOMBWELL LANE/BLEACHCROFT WAY, STAIRFOOT, BARNSELY
PLANNING APPLICATION NO. B99/1083/BA**

1. I am directed by the Secretary of State for Transport, Local Government and the Regions to say that consideration has been given to the report of the Inspector, Mr K G Smith JP BSc (Hons) MRTPI who held a local inquiry on 28 and 29 November 2000 into your client's application to Barnsley Metropolitan Borough Council for planning permission, application no. B99/1083/BA, (Phase 1 full application and Phase 2 outline application) for ~~the demolition of existing buildings and development of a mixed use employment~~ development comprising Use Classes B1, B2, B8 and A1 non-food retail development, garden centre and external bulk sales area together with associated car parking, access and servicing arrangements, landscaping and related works; on land adjacent to Wombwell Lane/Bleachcroft Way, Stairfoot, Barnsley.
2. The Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that the application be referred to him for decision instead of being dealt with by the local planning authority because of possible conflict with national policy, namely PPG6 "Town Centres and Retail Developments" and PPG13 "Transport".
3. A copy of the Inspector's report is enclosed and a copy of his conclusions is annexed to this letter. References in this letter to paragraphs in the report are made by the abbreviation 'IR' followed by the relevant paragraph number. The Inspector recommends that, in view of his conclusions in paragraphs 7.1-7.39 of his report, planning permission should be



granted subject to conditions (IR 8.1). The Secretary of State has decided to accept the Inspector's recommendation and grant planning permission for the Phase 1 full application and Phase 2 outline application for the reasons given and subject to the matters set out below.

4. Section 54A of the Town and Country Planning Act 1990, as amended, requires that a planning application be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Secretary of State agrees with the Inspector (IR 2.7) that the Barnsley Unitary Development Plan (UDP), adopted on 4 December 2000 should be treated as the development plan. The Secretary of State agrees with the Inspector's summary of the development plan framework and relevant plan policies (IR 2.8-2.14).

5. The Secretary of State considers that the main issues to be considered in determining this application are:

the relationship of the proposal with the development plan;

the extent to which the proposal is consistent with national policy set out in PPG6 'Town Centres and Retail Developments' and PPG13 'Transport';

whether a need for the proposed development has been established;

whether there has been an adequate sequential approach to site selection;

the likely impact on the vitality and viability of existing centres, including Barnsley Town Centre;

accessibility by a range of transport modes and the likely effects on travel patterns and car use; and,

the extent to which the proposal conflicts with national policies on the effect of development of inland waterway routes, in particular the extent to which it could prevent the possible restoration of the Dearne and Dove Canal network.

Relationship of the Proposal with the Development Plan

6. The Secretary of State notes that the development plan has recently been adopted and the policies allocate the application site for a variety of employment purposes. Retail development is specifically excluded (IR 7.5). The retail element of the proposal is therefore in direct conflict with an up-to-date plan in which the strategy is to focus retail development in Barnsley town centre and other principal centres. As planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise, in the Secretary of State's view, because the plan is up-to-date, there must be material considerations of considerable weight to justify the granting of planning permission.

7. The Secretary of State notes that since the Inspector conducting the inquiry into objections to the draft UDP made his recommendations, new information has become available on trade leakage, need and the difficult marketability of the site for employment

purposes (IR 7.6). In so far as need and marketability are concerned, the Secretary of State considers these are relevant material considerations in this case.

8. In the Secretary of State's view, Barnsley is in much need of investment in employment opportunities and regeneration initiatives. This is reflected in Barnsley's eligibility to apply for European Structural Funds under the Objective 1 Programme for South Yorkshire. He therefore considers it is important that opportunities are taken to provide infrastructure and make suitable land available for investment. The Secretary of State has considered the Inspector's conclusions about the regeneration potential of the site and the likelihood of development for employment purposes without substantial investment (IR 7.15 and 7.35) and weighed these against the conflict of the retail element of the proposal with the development plan. The arguments in favour of site regeneration are considerable and the Secretary of State has concluded that, in this case, they outweigh the conflict with the development plan. However, because the site is an out-of-centre location and not allocated for retail development in the development plan, the Secretary of State takes the view that there is a requirement to demonstrate that a need exists for the retail development proposed and that the sequential approach to site selection has been properly followed.

Consistency with PPG6 'Town Centres and Retail Developments'

(i) Need

9. The Secretary of State agrees with the Inspector (IR 7.9) that as the site is at an out-of-centre location not allocated for retail development, it is necessary to consider whether there is a need for the proposal. He also agrees that the factors to be considered in an assessment of need are for the decision-maker to determine. The Secretary of State notes that the Inspector considered the need case in terms of quantitative need, qualitative need, retailer demand and urban regeneration and employment creation.

10. In terms of quantitative need, the Secretary of State accepts that the expenditure and turnover data submitted provides a reasonable indication of the leakage and very considerable growth potential in available expenditure in this sector. He also accepts that even if most of the allocated retail floorspace and that with planning permission were to be developed for comparison goods, and efficiency gains were made, considerable capacity for additional retail floorspace would still exist. He nevertheless agrees with the Inspector that capacity in expenditure and physical terms do not in themselves amount to a convincing case of need (IR 7.10 and 7.11).

11. As to qualitative need, the Secretary of State considers that it is important to state his views on the warehouse concept in the light of the Inspector's quotation (IR 7.12) from an Inspector's report on a proposal in Redditch, which was referred to at the inquiry (Document 20). The Redditch case involved a B & Q warehouse on a site adjoining a town centre. As the Redditch Inspector noted, (Document 20, paragraph 9.21), need is a matter for the decision-maker and should be coupled with a sequential approach. The Redditch Inspector concluded that, notwithstanding the extraordinary bulk and weight and choice of many extra lines in stock, which provided some very good reasons why goods cannot be sold in the small retail core of Redditch and despite acknowledging that the huge (warehouse) concept cannot be very flexible, nevertheless, he could see no reason why it should be excused from a rigorous sequential approach (Document 20, paragraphs 9.25

and 9.26). The Redditch Inspector also agreed with another Inspector's conclusion, for a similar B & Q warehouse proposal in Oldham, that the warehouse concept is not sacrosanct and retailers should be flexible about the scale of development (Document 20, paragraph 9.26). These conclusions were accepted in the Redditch case and remain the Secretary of State's views on the warehouse concept.

12. The Secretary of State has had regard to the Inspector's conclusions (IR 7.12) that the rather limited provision in conventional DIY stores in Barnsley and level of leakage indicate that existing facilities do not meet the aspirations of Barnsley residents. He also notes that the Inspector concludes that existing DIY retail provision falls far short of their needs, and that the proposed development would go some way towards meeting them. Whilst the Secretary of State accepts that there may be a need for more comprehensive DIY shopping facilities and that the proposed development could provide improved facilities for some of Barnsley's residents, in the light of the Redditch and Oldham decisions and his stated views on the warehouse concept, he is not fully persuaded that the needs of Barnsley residents could only be met by a development of this scale and format at the location proposed. He does not therefore attach significant weight to this argument compared to the quantitative need for more floorspace.

13. The Secretary of State agrees with the Inspector's conclusion (IR 7.13) that little weight should be attached to the third specific element of retail need put forward, that of retailer demand.

14. With regard to the Inspector's conclusion (IR 7.14, 7.15 and 7.36) that a strong need case has been made on the benefits of urban regeneration and employment creation, the Secretary of State agrees that the application scheme, as a whole, provides the potential for the creation of a significant number and variety of much needed jobs. As stated at paragraph 8, he attaches considerable weight to the urban regeneration and employment creation potential of the proposed development in this location. These are important material considerations which should be taken into account, but they are not measures of retail need. Overall he does not consider that a need for the proposed retail development has been adequately demonstrated. He has, however, gone on to consider the application of the sequential approach.

(ii) The Sequential Approach

15. The Secretary of State has had regard to the Inspector's reasoning (IR 7.16) about the factors which could be taken into account when undertaking a sequential approach to site selection. In his view, the approach to be adopted is that which is set out in PPG6 (paragraph 1.11) and clarified by the Ministerial statement of 11 February 1999. It should not be predetermined by site specific considerations which include an inflexible approach to format and size requirements and preconceptions about the need for such development and regeneration and employment criteria. The Secretary of State disagrees with the Inspector's conclusions (IR 7.36) which appear to indicate that disaggregation would be inappropriate; this would be accepting a format-driven, as opposed to a 'class of goods', approach. This is contrary to PPG6 as clarified by the Government's Response to the Environment, Transport and Regional Affairs Committee: Second Report – Environmental Impact of Supermarket Competition (Cm 4722).

16. The Secretary of State has considered the scope of the sequential assessment undertaken in the light of the Ministerial statement of 11 February 1999. In his view, bearing in mind the size and potential catchment area of the proposed retail warehouse, the assessment undertaken is somewhat limited both in terms of the geographical area to which it appears to have been restricted and the number of sites considered. He also considers that the explanation of why only one of the four sites selected merited detailed examination in the Inspector's conclusions is very limited. The Secretary of State also notes that the Inspector (IR 7.36) acknowledges that on a goods-based assessment other sites are likely to be available, but dismisses this approach on grounds which include the one-stop concept and format-driven approach. The Secretary of State's views on these matters have been stated above and he therefore disagrees with the approach adopted by the Inspector.

17. In considering the Inspector's other conclusions on the sequential approach (IR 7.18 and 7.36), the Secretary of State has had particular regard to the reasons for dismissing the Peel Centre site in favour of the application site. He notes that the Peel Centre is allocated for retail development in the development plan. He is also aware that since receipt of the Inspector's report, outline planning permission has been granted for the development of 4.85ha of land at the Peel Centre for a DIY store, garden centre, building products yard and car parking. In the Secretary of State's view, the Peel Centre's availability for development, its retail allocation in the development plan and the planning permission, have to be weighed against the greater potential for employment and regeneration investment at the application site. The weight attached to employment and regeneration has been considered at paragraph 8 above. In the light of this the Secretary of State has concluded that whilst the Peel Centre site may be able to accommodate retail development similar to that the subject of the application, it would not provide the potential for much-needed employment and regeneration. In his view therefore, in this case, there are material considerations which weigh in favour of the application site.

(iii) Impact on the Vitality and Viability of Existing Centres, including Barnsley Town Centre

18. The Inspector considered (IR 7.19) whether the proposal would harm the retail strategy of the UDP which broadly reflects guidance in PPG6 and refers to Policy S4, criteria A and B. These seek to prevent the vitality and viability of defined centres being unacceptably undermined or investment strategies, policies or proposals intended to strengthen their viability being unduly harmed. The Inspector found that the likely retail impact would be mainly on competing stores of a similar type and format and that the impact on existing defined centres would be very low. He concluded that there would be no conflict with Policy S4A and B. The Secretary of State agrees with the Inspector's conclusion.

Consistency with PPG13 'Transport'

Transport Modes and the Likely Effect on Travel Patterns and Car Use

19. A revised edition of PPG13 was published on 28 March 2001 and the Secretary of State has had regard to this in his consideration of the Inspector's report. The Inspector (IR 7.36 and 7.37) refers to an innovative retail scheme which would help to reduce the need to travel and that wide-ranging steps would be taken to encourage non-car-borne travel in accordance with the aims of PPG13. The Secretary of State acknowledges that the

scheme may lead to some benefits in this regard. He is not persuaded however that the benefits which may arise would be greater than those which might arise at other locations, if the applicants were prepared to be more flexible about scale and format. Even if they were greater, in this case, when balanced against the other considerations in this decision, Secretary of State does not attach great weight to this aspect.

Policies on Inland Waterway Routes and effect possible Restoration of the Dearne and Dove Canal Network

20. In his conclusions (IR 7.7, 7.8 and 7.38) the Inspector considers the restoration of the canal would be a monumental task. He refers to the numerous problems which would be likely to arise. He found however that concerns that the proposed development would make matters worse were unfounded and engineering difficulties for restoration would become marginally easier. The Inspector concluded that there would be no conflict with local or national policy on this subject. The Secretary of State notes that the Barnsley Canal Group have withdrawn their objection, subject to conditions which the Inspector concluded were not practical or necessary. The Inspector also concluded that the other objections concerned with the impact on the canal were without foundation. The Secretary of State agrees with the Inspector's conclusions. He is also of the view that there is no conflict with the revised edition of PPG13 in respect of these matters.

Post-Inquiry Representations

21. Since the close of the inquiry the Secretary of State has received three letters from Barnsley and Sheffield residents. One from Mr R Bonson, objects to the proposed development on the grounds of conflict with transport, employment and retail policy and refers to loss of green fields. The other letters, from Mr TW Gelder and Mr L Green, raise concerns that the proposed development may be prejudicial to the restoration of the Dearne and Dove Canal. They refer to successful schemes elsewhere. The Secretary of State has considered the issues raised in the representations alongside the Inspector's report and has concluded that no new material points have been raised which lead him to reach a different overall conclusion on the application.

Overall Conclusion

22. The Secretary of State agrees with the Inspector that the retail part of the application conflicts with the development plan and that the application should be refused unless material considerations indicate otherwise (IR 7.34). The Secretary of State also agrees with the Inspector that the site is within an area where there is an urgent need for urban regeneration and employment creation and that without a substantial input of capital, this is unlikely to take place. He also accepts, in this case, that the retail development proposed could provide the necessary investment in infrastructure for regeneration and employment development with the potential to create a substantial number of jobs. The Secretary of State considers this to be a material consideration of significant weight which, he has concluded, outweighs the conflict with the development plan (IR 7.35 and 7.39).

23. The Secretary of State does not agree with the Inspector's conclusion that retail need derives from urban regeneration and employment creation. Despite the fact that there may be sufficient capacity to support the proposed development, the Secretary of State considers that a need for the retail development has not been adequately demonstrated.

He also considers that the sequential approach adopted was very limited and its acceptability influenced by what appear to be misconceptions based on the format-driven approach and what constitutes retail need (IR 7.36). The Secretary of State's views on these matters have been stated earlier in this letter. He concludes that in these respects there is a conflict with national policy on town centres and retail developments, but in this case it is outweighed by the important employment and regeneration considerations to which the preceding paragraph refers.

24. Subject to his reservations about the transport benefits of the proposed development at this location, the Secretary of State agrees with the Inspector's overall conclusions on transport, residential amenity and the effects of the proposed development on the restoration of the Dearne and Dove Canal (IR 7.36-7.38).

25. For the reasons given, the Secretary of State has concluded that the material considerations related to employment and regeneration outweigh other considerations which might otherwise have justified refusal of the application. He therefore agrees with the Inspector that planning permission should be granted.

26. Except in respect of Conditions 3, 15, 19 and 27, listed below, and apart from minor drafting amendments, the Secretary of State considers that the conditions that should be applied to the planning permission should be those that the Inspector considered should be applied. Conditions 3 and 15 have been modified to ensure that the reserved matters and other works which have been approved by the Local Planning Authority must be carried out as approved. Condition 27 has been modified so that it specifies precisely when operations should not take place. These modifications are in order to meet the test of precision in DOE Circular 11/95. In respect of Condition 19, the Secretary of State has had regard to the Inspector's comments, but has decided in the light of the plans and the other information before him, that amendment of the condition as submitted is not required.

Secretary of State's Decision

27. The Secretary of State hereby grants planning permission (Phase 1 full application and Phase 2 outline application) for the demolition of existing buildings and development of a mixed use employment development comprising Use Classes B1, B2, B8 and A1 non-food retail development, garden centre and external bulk sales area together with associated car parking, access and servicing arrangements, landscaping and related works; on land adjacent to Wombwell Lane/Bleachcroft Way, Stairfoot, Barnsley subject to the following conditions:-

1. In respect of the site shown edged green on the approved plan (1756 -205) the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

2. In respect of the site shown edged orange on the approved plan (1756 - 205) application for approval of the matters reserved in Condition No.3 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun either:-

i) before the expiration of five years of the date of this permission, or

ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

3. The development hereby permitted in respect of Phase 2 shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- a) the siting of the proposed development;
- b) the design of the proposed development;
- c) the external appearance of the proposed development; and
- d) landscaping for the site.

The development shall be carried out in accordance with the approval.

4. The development hereby approved shall be carried out in strict accordance with the Plans as listed below and as specified in the letter from HSBD Limited, Architects, dated 14 March 2000 unless prior written consent has been given by the Local Planning Authority to any minor variation.

Application site plan 1756-205 with Phase 1 full application site edged green and Phase 2 outline application site edged orange

Overall layout plan 1756-SK6 Rev F

Overall layout plan 1756-SK6 Rev F (Coloured)

Phase 1 site layout plan 1756-11 Rev K

Residential plan and site section plan 1756-13 Rev D

Proposed elevations plan 1756-15 Rev A

Proposed warehouse plan 1756-16

Site section at site entrance plan 1756-17

Typical panel plan 1756-18

Landscape plan 1756-24 (B&Q and site access)

Proposed nursery units layout and landscaping plan 1756-200

Proposed nursery units 1-4, plans and elevations dwg 1756-201

Proposed nursery units 5 and 6, plans and elevations dwg 1756-202

Proposed nursery units 1-4 section through building dwg 1756-203

B&Q Warehouse plan 1756-12 Rev E

5. The retail premises hereby approved shall be first occupied by B&Q Limited for a period of not less than 5 years from the building being brought into use for retail purposes.
6. The retail premises shall not be used for the retail sale, other than related to the principal use of the premises, of food (including pet food); alcoholic drink; tobacco, watches or clocks; books, newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority.
7. The retail premises shall not be brought into use unless and until an Agreement under s278 of the Highways Act 1980 to secure all the off-site highway works shown on Plan 1756 - 11 Revision K have been completed and the works as specified therein are completed in their entirety.
8. The car parking, servicing and circulation areas shown on Plan 1756 - 11 Revision K shall be marked out, drained, sealed and hardsurfaced prior to the premises being brought into use and shall thereafter be permanently retained and used in connection with the development hereby approved.
9. The landscaped bund and noise attenuation measures shown as the line of the retaining wall and acoustic fence on Plan 1756 - 13 Revision D shall be provided in their entirety prior to the retail premises being brought into use and shall thereafter be so retained.
10. Notwithstanding Condition 9 a detailed specification of the proposed acoustic fencing shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out strictly in accordance with the details as approved.
11. Deliveries to and from the B&Q Warehouse and fork lift truck movements within the servicing areas shall not take place outside the following times:- 07.00 to 21.00 Mondays to Saturdays and 09.00 to 17.00 on Sundays.
12. Details of a scheme for the attenuation of noise from air conditioning and ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved scheme.
13. The hereby permitted Garden Centre shall not be brought into use until the screen wall/fence shown on Plan 1756 - 15 Revision A has been provided in its entirety. The screening shall be thereafter so retained.
14. Outside storage within the hereby permitted Garden Centre shall, at no time exceed the height of the screen wall/fence referred to in Condition 13 above.
15. No development shall take place until full details of the proposed external facing materials for buildings, walls and fences have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with that approval.

16. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

17. Notwithstanding Condition 16 above the landscaping shall also extend to cover that area of the site shown hatched green on Plan 1756 -SK6F (Coloured) and shall be carried out strictly as described in Condition 16 and in accordance with a detailed specification approved in writing by the Local Planning Authority prior to the commencement of the development.

18. The buildings shall not be occupied until all of the roads within the application site have been constructed in accordance with Plan 1756 - 205, and thereafter, such means of vehicular access shall be retained.

19. The reserved matters referred to in Condition 3 above shall facilitate vehicular access to the adjacent land both to the south west and south east of the site.

20. The Phase 1 Nursery Units on Plan 1756 - 205 shall be constructed in their entirety within 12 months of the retail premises hereby approved being brought into use.

21. Unless otherwise agreed in writing by the Local Planning Authority, no building shall be located over or within 3 metres of any public sewer and within 4 metres of any public sewer with an internal diameter of 500mm or greater.

22. The site shall be developed with separate systems of foul and surface water drainage.

23. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site work, have been submitted to and approved in writing by the Local Planning Authority and the drainage works shall be carried out in accordance with the approved details.

24. No surface water shall be discharged to the drainage system from any areas of the site used by vehicles, without the use of petrol/oil/grit interceptors, the details of which shall have been submitted to and approved in writing by the Local Planning Authority before any work on site commences.

25. Any bulk storage of liquids in tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

26. There shall, at no time, be any vehicular access to or egress from the site to Field Lane and a detailed scheme for preventing such access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the scheme as approved shall be provided prior to the premises being brought into use and thereafter so retained.

27. The engineering operations required to form the landscaped bund referred to in Condition 9 above shall be carried out in accordance with the letter from HSBD Limited, Architects, dated 14 March 2000 except that the operations shall at no time take place on Sundays or outside the following times:- 0800 to 1800 Mondays to Fridays and 08.30 to 18.00 on Saturdays and in accordance with a detailed method statement submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

28. The footpath between Field Lane and Dob Sike, on its existing alignment or on such other alignment as may be agreed in writing by the Local Planning Authority shall be drained, sealed, hardsurfaced and lit in accordance with a scheme to be approved in writing with the Local Planning Authority, prior to the substantial completion of the retail premises and factory units hereby approved.

29. Before the commencement of development, details of bicycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

30. Before the commencement of development, details of floodlighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

28. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. Attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970 as amended.

29. This letter does not convey any approval or consent which may be required under any enactment, bylaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

30. A separate note is enclosed setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court.

31. A copy of this letter has been sent to Barnsley Metropolitan Borough Council and other interested parties.

Yours faithfully



GEOFF DIBB

**Authorised by the Secretary of State
to sign in that behalf**