

Planning Applications 2021/1089 and 2021/1090

Introduction

I am writing to express my objection to the above planning applications. These hybrid applications now show the extent of the disruption and upheaval which will be imposed upon the residents of Pogmoor, Redbrook, Gawber, Barugh Green and Higham over a period of fifteen years.

The full extent of what is being proposed is only now coming to light despite years of producing the Barnsley Local Plan (BLP), and subsequent Masterplans. At no time during these deliberations was there any indication of a period of eight years of continued earthworks. No responsible Council would ever contemplate approving, let alone collude in producing, a development which will cause so much upheaval and yes, misery on its residents. This is another example of the secrecy and subterfuge which was apparent in the drawing up of the BLP.

It has also become apparent over the previous months that Barnsley Metropolitan Borough Council (BMBC) are being ignored by the developers who now believe they have “carte blanche” to ignore the policies included in the BLP with bland statements relating to mitigation measures. Indeed, it would be interesting to see how many times those words appear in the supporting documents included with this application.

BMBC have a history of granting planning applications with conditions attached which are subsequently ignored by developers. It would appear that this is going the same way.

The supporting documentation is of such a technical nature that it is completely beyond the ability of the layman to consider it and comment in any meaningful way. Yet, in every document there is the magic wand of mitigation measures to address the issues which the developers themselves have highlighted including unstable ground, gas emissions and insufficient foul and surface water drainage. No matter what the problem it is reduced to minor or negligible significance by a stroke of the pen and the phrase mitigation measures.

Despite BMBC’s pearls of wisdom about Masterplans and a structured development of the site MU1, the subject of these applications, this is yet another piecemeal development to add to the application already submitted. It would appear that site MU1 will be a jumble of different planning applications over different timescales and this whole issue should be reconsidered afresh.

Site MU1 in the BLP was envisaged to produce 1760 houses. The two planning applications submitted so far have a combined total of 1900 houses. So even now

at the early stages of the planning applications the commitments set out in the BLP have been reneged on.

Indeed, the application itself refers to reserved matters which presumably are to be tabled a later date which makes it impossible for anyone to make a comprehensive assessment of what is contemplated for this site.

The extent of these earthworks and the amount of development required simply to achieve a base on which buildings can be erected tends to suggest that this whole development is totally unsuitable for this area. And that is before the issues of ground stability, contamination, flood risk and drainage are factored in to the development.

This development is an attack on the rights of the existing residents to quiet enjoyment of their properties.

The Proposals

2021/1089 Hybrid application for employment development comprising:-

- a) Full planning permission for: earthworks to create development platforms; strategic drainage ponds and associated drainage infrastructure; and location of strategic landscaping and ecological areas.
- b) Outline planning permission seeking approval over means of access and landscaping for employment use development (use classes E/B2/B8) and associated infrastructure works.

And,

2021/1090 Hybrid application for residential development for 1,760 dwellings comprising:

- a) Full planning permission for: earthworks to create development platforms; strategic drainage ponds and associated drainage infrastructure; construction of a new link road; location of strategic landscaping and ecological areas; demolition of existing buildings; works to Hermit Lane; and erection of Phase 1 residential development comprising 229 dwellings
- b) Outline planning permission for: Residential development comprising 1,531 dwellings; new primary school; small shops and community facilities; and associated infrastructure works.

The two applications are confusing in that they are repetitive and the same description appears in both applications. Does this mean that there are two different sections of earthworks or do they relate to the same area?

Consideration of the supporting documents shows that there are a number of issues which the developers are unable to reconcile with the proposals in the BLP. These are swept away with bland statements that mitigation measures will be put in place to resolve the issues. However, in some instances there are major issues to overcome. For example at the moment there is insufficient sewer capacity for foul and surface water drainage and yet the developers are requesting full planning permission now with a vague statement that Yorkshire Water will consider this. Surely an issue as important as drainage should be resolved before planning permission is granted.

Similarly, ground stability and contamination are cursorily dealt with by mitigation measures to deal with gas even though the developers have no idea how much an issue gas is likely to be on site MU1. Evidence to the BLP suggested this was not an insignificant issue. Alarming, the Coal Authority did not respond to the developer's consultation!

Full planning permission is sought for 229 dwellings to be built despite the fact that no surface or foul water drainage is in place for these. This should be delayed or refused until such time as there is certainty as to whether these properties can be connected to the drainage system.

There is also no indication as to how the drainage ponds and indeed, the landscaped areas of this development will be paid for.

Chapter 11 of the Environmental Statement states that the drainage system will be maintained by the landowner. This begs the question as to who the landowner is. Does this suggest that the developers are looking to impose a discredited leasehold tenure on these properties and retain ownership themselves or will the freehold of the land pass to the homeowners who will then have to find a way to pay for the services to their houses? This is an issue which has been raised several times with BMBC but is now a crucial and urgent question which they must address and not be fobbed off by the developers.

With regard to the design of the properties it appears that they will all be three storeys despite initial suggestions from BMBC and the developers that single storey bungalows would have been built in the areas close to existing residents, particularly where there is an issue of "overlooking". Unsurprisingly it appears that the developers and BMBC have ignored any earlier commitments on this question.

Chapter 13 makes interesting reading regarding the mitigation measures which the developers say will be needed as noise levels are above the allowable levels for both the houses and the Primary School. The residents and the school teachers will have to close their windows! If this is the level of expertise that has been applied to crucial issues, especially as regards the health of Primary School children then this application should be rejected forthwith.

Landscape and Visual Effect.

The Landscape and Visual Effect will be a disaster not only for the existing residents whose properties surround the site but also for other areas of Barnsley from where site MU1 is clearly visible. The view will be of major earthworks as the developers try and get this piece of land into a suitable platform to build on for eight years followed by a view of a building site for fifteen years. How can any reasonable Council agree to this?

Clearly viewpoints as listed in Chapter 6 of the Environmental Statement (ES) will be adversely affected for many years during the construction phase and then lost for ever as the houses are shoehorned into the site. To add insult to injury the height of these houses will not fit in with the existing bungalow properties in the surrounding areas.

This part of the report extends to 86 pages much of which is simplistic twaddle but it can be summed up by one line from paragraph 6.5.27 which states:-

“It is judged that the landscape character of much of this area would be adversely affected by development.”

Why does a developer go to the lengths of trying to cover up the statement of environmental destruction they are proposing by trying to lose it in a chapter in the ES which runs to 86 pages and which would deter any layman from reading it. It is obvious that earthworks for eight years and house building for fifteen will destroy the whole visual landscape of the area from any viewpoint across the Borough.

As the report states, even the view from High Hoyland a few miles away will be adversely affected.

BMBC Councillors should hang their heads in shame.

Ecology

It goes without saying that these proposals will destroy whatever ecology there is on site MU1 completely and forever. No amount of green space and cycle ways will rescue the ecology which will be lost as a consequence of this ecological vandalism.

All the trees will be destroyed and most of the hedgerows removed as the developers attempt to level the site in order to try and build on it. Sadly, the more one reads into these proposals the more concerned one becomes that the bland references to mitigation measures are covering a concern that it may not be possible to use some of the site.

It is also clear from chapter 7 of the ES that there is a threat to the water courses which run through the site. The developers admit that the construction work will pollute the water and it may be that construction work and earthworks over such a long period may do permanent damage to the springs.

This is a major concern as much of that water flows into the watercourse at Redbrook Pastures and then into the wider waterway system so there is a danger that MU1 may pollute other watercourses in the surrounding area. This should not be allowed and BMBC should delay this application until such time as solutions to these issues can be found.

It is unlikely that the developer's weak assertion that new habitats will be established will hold up given the amount of building and traffic which will be visited upon site MU1 in the future if these proposals go ahead.

Clearly these proposals and the admissions by the developers regarding destruction of trees, hedgerows and the ecology of the site and the pollution of the watercourses clearly contravene policy BIO 1 in the BLP relating to Biodiversity and Geodiversity. So why is BMBC actively encouraging developers to contravene the policies they recently included in the BLP? The answer has to be that the financial gains from this development are too much of an attraction to a Council that has completely lost its moral compass.

Traffic

Despite the developers admissions that traffic flows will increase dramatically as a result of this development these issues are once again dismissed with the suggestion of mitigation measures.

In fact chapter 8 paragraph 8.8.28 states that there will be an increase in traffic flows on Barugh Green Road of 67% and on Higham Common Road of between 28% and 92%. These figures are substantial and yet they are dismissed by the developers as of "minor adverse significance". It is somewhat difficult to believe that an increase in traffic flows of 92% is of minor significance.

One has to question the value of reports such as this which simply dismiss every adverse effect as being minimal and it fosters a belief in the reader that much of the supporting documentation is of questionable credibility.

BMBC in its efforts to create the Dodworth by Pass deliberately funnelled traffic away from Dodworth and into Higham causing problems on Higham Common Road. Despite the idea of the link road to nowhere it would appear that Higham's traffic issues are not going to be resolved by this development.

Heritage Assets

Whilst accepting that the area has little by way of major heritage assets the ES does make the point that during the construction and residual phases the effect on heritage is “a major negative impact”.

This refers mainly to those assets which are at the moment undiscovered but will now be destroyed forever. This clearly shows once again that BMBC could not care less about the heritage assets of Barnsley or the policies in the BLP which relate to this issue.

It is also clear that this attitude will not be lost on developers in the future.

Contaminated Land.

The major aspect of this particular chapter is the requirement that further testing be carried out at every stage of the development in respect of gas, leachates and other contaminants. The overall conclusion to be drawn by anyone reading this chapter is that the developers are simply unaware of what the ground conditions are like despite test boreholes.

Once again, there is extensive reference to mitigation measures but the developers are asking for full planning permission for something that appears to be a stab in the dark. This begs the question of what happens if a major stumbling block is encountered. Also why has more extensive research not been undertaken? Why has the Coal Authority not responded to the developers?

Evidence was given to the inquiry into the BLP that there was gas on site as a consequence of open cast mining operations. The Masterplan drawn up by the agents Spawforths clearly recommended amber gas measures yet we are at the stage of a planning application with a suggestion that further testing should be carried out. Spawforths document was produced in 2013 so why has no further action been taken in relation to gas testing in the intervening years?

Presumably neither BMBC nor the developers wanted any adverse issue to derail this scheme regardless of how serious or dangerous it could prove to be.

Chapter 10 paragraph 10.2.41 states:-

“Following the preliminary geoenvironmental ground investigation, gaps were identified in the data, including limited geotechnical testing and a requirement for further soil and water chemical analysis targeting potential areas of contamination i.e. existing farms. Therefore it is possible that further contamination could be encountered.”

It is difficult to see how any responsible Council could grant planning permission in these circumstances. There is clearly insufficient information available about

ground conditions and contamination to make firm judgements on any adverse aspects.

With regard to the risk from former deep mining and open cast mining the ES appears to be contradictory. Chapter 10 paragraph 10.3.9 states:-

“Based on the findings of the coal mining risk assessment and coal recovery reports (Appendix 10.4 to 10.6), past mining activities do pose a risk to the proposed development. However, following the implementation of the mitigation methods outlined in the reports, the development

area will be suitable for the construction of commercial units and residential dwellings with associated infrastructure.”

Once again, a clear risk is identified but then dismissed with a suggestion of mitigation measures being deployed. But the very next paragraph, 10.3.10 states:-

“Further investigation and subsequent treatment of coal workings, if proven, will be required prior to development. Further settlement analysis will be carried out prior to development to confirm that future total and differential settlement will be within tolerable limits.”

This tends to suggest that former coal workings do pose a problem but there are mitigation measures (again) but then further investigation is required prior to development. Surely the “prior to development” time period is now given that this is a planning application to enable that development. Again this tends to suggest that the developers do not know the ground conditions and the consultants are hedging their conclusions with requirements for further testing and mitigation measures. This is clearly not a very satisfactory situation to be in and the planning authority should not grant this permission on such poor quality supporting documentation.

With regard to gas the report does make recommendations with regard to membranes to “protect human health” Paragraph 10.6.38 states:-

“For site end users (commercial and residential), the appropriate use of gas protection measures i.e. membrane within the floor slab, should be incorporated into the building design in order to adequately protect human health. The ground gas regime is to be confirmed by post-earthworks monitoring.”

So at last there is some recognition of the issues surrounding gas. A requirement that all properties should be protected by a membrane. One has to question why the issue of gas has not been taken more seriously by BMBC and the developers especially as there is now a suggestion of risks to human health. Irritatingly, there is still a suggestion that further testing be carried out at a later stage. One has to

question what would happen on the site if these ground issues prevent some or all of the development “post earthworks”? A green belt site destroyed for lack of foresight.

Then at the end of the chapter a revealing paragraph. Chapter 10 paragraph 10.8.6 states

“This assessment has been produced to the best of the author’s ability based on the current information available. To increase the confidence level of this assessment, it is proposed that further ground investigation would be undertaken prior to the development commencing, including additional geotechnical and chemical testing. Post earthworks validation testing is also proposed.”

This tends to suggest that this supporting documentation is at best incomplete and at worst somewhat unreliable.

It really beggars belief that a planning application of this magnitude is supported by documentation which is extensive in volume but short on factual detail. This is another reason why this application should not be granted.

Flood Risk

Of some concern is the ES statement that there is insufficient capacity for surface water to drain into the local watercourses and so drainage has to be at a restricted level.

Similarly there is also restricted capacity for the drainage of foul water into the main sewer system.

Chapter 11 of the ES states at paragraph 11.2.26

“that there was no capacity for surface water into the existing public sewer network adjacent to the site and that the surface water should discharge into the local watercourse/land drainage system as existing regime.”

It seems rather strange that at this stage of a planning application there is a realisation that the sewer system cannot accommodate the drainage from the development. This presumably means that a significant proportion of the surface water is to drain into the existing watercourses which are already subject to flooding, particularly in the Redbrook area. This issue has been highlighted many times to BMBC but once again it has been ignored.

The next paragraph states;-

“11.2.27 The consultation with YW identified that foul water from the development should discharge into the existing 600dia. public sewer in Barugh

Green Road at an unrestricted discharge. However, YW stated that there is limited capacity in the existing sewer network to accommodate the final design flows from the proposed development.”

It appears that the planning application has been submitted with little concern for the drainage from the site and with a glib suggestion that Yorkshire Water will sort it out. Once again this would beg the question as to who is going to pay for these infrastructure costs.

Why is there no supporting documentation from Yorkshire water on the feasibility of these proposals and their ability to complete them?

This chapter also reveals some surprising conclusions with regard to surface water and the increased risk of flooding.

Chapter 11 paragraph 11.4.15 states:-

“The possible effects of the proposed development during the operational phase are summarised below, with an assessment of each then considered in turn subsequently thereafter:

- The increase in impermeable area and traffic volumes would increase the risk of contamination of surface runoff due to spillage of contaminants and from flushing of pollutants from the impermeable surfaces

The impermeable area of the site will increase as a result of the proposed development leading to an increase in peak surface water runoff rates and the total runoff volumes which would increase flows in watercourses and flood risk downstream.

- The large number of residents and users of the proposed development will increase the risk of watercourses becoming blocked due to tipping of rubbish etc, leading to change in flood flow dynamics and an increase in downstream flood risk.
- Foul water from the developed site could pollute the receptor water body should there be a failure in the system.

The size of the proposed development clearly poses risks for the local watercourses both on and off site and this is clearly acknowledged in these paragraphs. It may be that this development is simply too large to be accommodated on this site as the local watercourses do not have the volumes to deal with this.

This will therefore require SuDs drainage systems and a number of drainage ponds to allow for surface water drainage.

The question then arises as to what form of mechanism is put in place to pay for the ongoing maintenance of the drainage ponds? Does this fall on the new owners and if so by what mechanism?

Chapter 11 paragraph 11.5 6 states:-

“As comprehensive system of land drainage will be installed which will deal with surface run off from the landscaped areas and any shallow ground water encountered during the earthworks. This land drainage system which represents inherent mitigation built into the scheme design will remain in place for the lifetime of the development and will be maintained by the landowner or an appointed representative.”

This raises the question as to who will own the land upon which these drainage systems are situated. Is it the developer, the owners of the houses or the BMBC?

If this is to be passed on to the homeowners then there will have to be service charges attached to the properties or some other method of payment. Bearing in mind the Competition and Markets Authority has ruled against leasehold arrangements for freehold properties this is an issue which should be addressed.

Air Quality

Significant areas of the local area are subject to air quality monitoring and much has been said about this issue in the past. It is obviously a major issue but one which is always dismissed by mitigating measures (again).

The ES states that the development will generate 13252 vehicle trips in any 24 hour period but once again, due to the mitigating measures this will be deemed to “not significant”.

This particularly galling since there is a Primary School included in this planning application and it really beggar’s belief that a development such as this will have a negligible effect on air quality in an area already subject to restrictions.

Noise

With regard to the construction phase of the development there appears to be no data available to judge what level of noise will be generated and so this part of the ES is a long list of “do’s and don’ts” for contractors who will be working on site. In other words mitigation measures.

More revealing are the sections of this chapter dealing with houses in proximity to the link road and the economic development and the school. The suggested mitigation measures are the “closing of windows”!

The report does admit that this could be an issue where the ventilation system to the building relies on opening windows but goes on to suggest a mitigating measure might be mechanical ventilation. i.e. air conditioning?

At a time of increased concern about power usage and climate change and global warming this is possibly a somewhat controversial suggestion without even mentioning the cost.

A similar situation will affect the school which is obviously going to be built in close proximity to noise and air pollution.

Chapter 13 paragraph 134.5.17 states:-

“Based on the calculated external noise levels, it can be seen that internal noise criteria (as recommended by BS8233/ProPG) cannot be achieved if open windows are relied upon as the primary source of background ventilation for proposed habitable areas at the northern boundary and central area. Windows will therefore be closed, as part of the noise mitigation strategy for these areas, with open windows used temporarily for purge or discretionary ventilation only.”

This conclusion is bordering on being laughable if it wasn't for the fact that the same conclusion applies to the Primary School. One would have thought that BMBC would have thought more of the health of the children to whom it owes a duty of care than to allow a development which is clearly too large for the proposed area as evidenced by the fact that adequate distances to prevent noise pollution cannot be maintained.

Clearly this application should be rejected and the whole Masterplan revised as it is clearly too large for the area and the facilities available. For this application to continue in its present form is irresponsible and a threat to the health of residents and in particular children.

Socio Economic & Health Issues

The supporting documentation in relation to these issues gives a long and well travelled path through the social and economic problems faced by Barnsley. However, there is nothing associated with this planning application to suggest that any of those issues will be addressed or solved by this development.

Indeed, there is a fear that this development will cause more problems than it solves. In terms of what is proposed it is debatable whether there is a need for so many houses. Leeds City Council recently revised it's calculation of housing need in the light of more up to date information becoming available. Indeed Leeds lost a High Court challenge on that issue.

BMBC has ignored calls to do a similar revision.

With regard to the proposed warehouses it has been argued for some time that these will be too small for major companies which are commissioning much larger sheds such as the one under construction by Hermes in Barnsley.

BMBC is in the unenviable position of funding a town centre retail re development which is vastly over budget out of its own money whilst at the same time promoting online shopping warehouses which will further damage retail outlets.

The number of jobs created by the construction phase of this development is suggested at 405, all of which are temporary. Sadly this is not going to improve the unemployment or benefits situation in Barnsley.

The ES also suggests that there will be an amount of Gross Added Value resulting from the housing but as many of these will be taken by people from Sheffield and Leeds who can buy

houses more cheaply in Barnsley than in their own cities and commute to work this figure is debatable.

On the debit side Barnsley will lose 13% of its Urban Green Belt which accommodates agricultural land and provides open green space for residents. Those residents will now face 15 years of continual building with everything that entails, noise, dust, pollution, and everything else connected within a major building site.

It is completely hypocritical of BMBC to talk in the BLP of creating green space when it is colluding and supporting a development such as this.

When completed there will be issues with noise pollution and air quality despite the endless list of mitigating measures contained within the supporting documentation. As can be seen from the information above some of the conclusions reached in that documentation cast doubt on its value.

Open spaces

Despite the destruction of the area the application tries to suggest that the development will provide green spaces but at no where near the level of the green space being lost. The application is also silent on who pays for the maintenance of the green spaces and indeed the drainage systems.

BMBC already has issues with contract maintenance for new developments.

Healthcare.

The supporting documentation to the application states quite

Chapter 14 paragraph 14.3.37 states:-

“It is considered that the Proposed Development in isolation would place additional pressure on the existing services. The Proposed Development is therefore considered to have potentially a negative effect, given that there may not be sufficient healthcare provision to meet the needs of the future population. It is anticipated that this negative impact will be mitigated via a Section 106 contribution towards local healthcare improvements.”

Once again an indication that this development is too big for the local area in that there will be inadequate healthcare facilities. This includes GP provision and dental care. Not only that, but the mitigating measure is an instruction to BMBC on how to spend its Section 106 money!

This is a major negative impact and to solve healthcare provision requires planning decisions outside of the control of BMBC or the developer. This is a major reason to reject this application in its present form.

Educational Provision

The Primary school places required for the development can be met by the building of a new school albeit with closed windows.

However, BMBC has a shortage of secondary school places across the borough and is currently looking to provide a temporary school. There is therefore likely to be pressure on educational provision when this development progresses

Therefore in terms of two major issues, health care and educational provision the development falls well short of what is required and the resolving of these issues is outside to control of the developer or BMBC.

Conclusion

Quite clearly this application is for a development which is far too large for the area. The number of houses being squeezed into this site alongside warehouses is likely to lead to a poor quality even substandard development.

Major questions are left unanswered by the supporting documentation and others are glibly answered with a suggestion of a myriad of mitigating measures.

Of great concern is the lack of any meaningful suggestions around educational and health care provision where negative impacts have been identified but not addressed.

The detrimental effects of this development outweigh the benefits especially for the local residents.

Quite clearly this application should be rejected.