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Our ref 50479/JG/RHa/12199466v5
Your ref 16/01169/OUT and 2016/0350

Dear Marcus

Application under Section 73 of the Town and Country Planning Act 1990 (As Amended) to Remove Condition 22 attached to Planning Permission 16/01169/OUT – Site of Oughtibridge Paper Mill, Sheffield

On behalf of our client, CEG), please find enclosed an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to seek to remove Condition 22 from planning permission 16/01169/OUT and 2016/0350.

Given the site straddles the local authorities of both Sheffield City Council (SCC) and Barnsley Metropolitan Borough Council (BMBC), a copy of this application has been formally submitted to both authorities. BMBC has delegated its decision making functions as local planning authority to SCC in respect of the Site.

Introduction

Outline planning permission for redevelopment of the Oughtibridge Paper Mill ("Site") for residential use (application references 16/01169/OUT and 2016/0350) was granted by Sheffield City Council (with delegated authority from Barnsley Metropolitan Borough Council) on 28th October 2016 ("OPP"). The Site is a brownfield site with a number of existing vacant industrial/commercial buildings situated upon it.

At the time of determination of the OPP agreement had not been reached between the applicant and Sheffield City Council (SCC) regarding application of the Vacant Building Credit (VBC). VBC had been re-instated within National Planning Policy Guidance during the course of determination of the application, following the decision of the Court of Appeal in *SSCLG v West Berkshire District Council & Anor.*¹

¹ [2016] EWCA Civ 441



The lack of agreement was recorded in the report to SCC's Planning Committee on 30th August 2016 which outlined the applicant's arguments as to why VBC should apply before discussing the reasons why SCC's officers considered that it should not. The report stated that:

"In essence there is a fundamental disagreement between the parties on the circumstances when VBC should and should not apply" (Report to Planning and Highways Committee, Tuesday 30th August 2016, page 303).

In the light of the officers' conclusions, the Committee report concluded that VBC should not apply and recommended the imposition of a condition securing the provision of affordable housing pursuant to Policy CS40 and the accompanying SPD. Contrary to what the Committee report states, the applicant did not "agree" to this and had made it clear that it did not agree with the Council's position on VBC and affordable housing. However, the applicant acknowledged that it was within SCC's power to impose a condition requiring the provision of affordable housing (as an alternative to refusing the application) if it continued to disagree with the applicant about the application of VBC. In recommending the imposition of the affordable housing condition, the committee report recognised that the applicant might apply for the removal of the condition at a later date, no doubt because officers were well aware that the applicant disagreed with the conclusion on VBC.

The Committee resolved to grant the OPP on that basis. The OPP was granted on 28th October 2016 following the completion of the associated Section 106 Agreement. The decision notice is enclosed at **Appendix 1**.

Condition 22

Condition 22) of the OPP states as follows:

Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall begin until a scheme for the provision of affordable housing (as defined in Annex 2 of the National Planning Policy Framework (or any revocation or modification thereof in force from time to time)) which equates to 10% of the total gross internal floor area to be provided within by the development has been submitted to and approved in writing by the Local Planning Authority. The scheme may provide for the provision of the affordable housing on a phase by phase basis. The development (and each phase thereof) shall be carried out in accordance with the approved scheme.

Reason: To secure the provision of affordable housing in accordance with Core Strategy Policy CS40.

Purpose of this Section 73 Application

This Section 73 application seeks removal of Condition 22 on the basis that the site is eligible for VBC, which should have been applied by SCC in respect of the OPP in the first place. The floor space proposed by the OPP is less than that of the existing vacant buildings on the site. Therefore the application of VBC in this instance means that no affordable housing is required, and Condition 22 should be removed.

In preparing this application, advice has been sought from Leading Counsel, Peter Village QC, whose advice is enclosed with this application at **Appendix 2**, and referred to where relevant throughout this letter.



Background to the Vacant Building Credit

Reference to VBC was first added to the Planning Practice Guidance (PPG) (at paragraphs 21-23 in the guidance on planning obligations) following a Written Ministerial Statement (WMS) published on 28th November 2014, which stated that vacant buildings brought back into use or demolished for redevelopment would benefit from a 'credit' equivalent to the floorspace of the vacant building which should be offset against affordable housing contributions. The WMS was underpinned by the insertion of the VBC policy into the PPG.

The WMS was successfully challenged in the High Court by West Berkshire District and Reading Borough Councils (31st July 2015)². The challenge related specifically to the exemption of small sites from providing affordable housing, but the VBC policy was also removed from the PPG following the decision.

The Secretary of State appealed the High Court judgment on four grounds, and the case was heard in the Court of Appeal in March 2016. On 11th May 2016, the Court of Appeal allowed the Secretary of State's appeal the VBC policy within PPG, was subsequently reinstated on 19th May 2016.

National planning policy guidance therefore supports the application of VBC to eligible sites. Significant weight should be given to VBC as a material consideration in these circumstances. This is the position now, as it was when the OPP was originally determined by SCC.

Planning Practice Guidance

Guidance on VBC is contained within paragraphs 21 to 23 of PPG under the 'Planning Obligations' section, which states the following:

Paragraph 21: *National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.*

Paragraph 22: *Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.*

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.

² West Berkshire District Council Reading Borough Council v Department for Communities And Local Government [2015] EWHC 2222 (Admin)



Paragraph 23: *The vacant building credit applies where the building has not been abandoned.*

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- *Whether the building has been made vacant for the sole purposes of re-development.*
- *Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.*

VBC and the OPP

The Submission of Application 16/01169/OUT

Planning application 16/01169/OUT was submitted to both SCC and BMBC in March 2016, and was validated on 29th March 2016 and 4th April 2016 respectively.

In accordance with national and local planning policy at the time that the application was made, the applicant was required to offer 10% affordable housing which it proposed to meet in full, as detailed within the submitted Planning Statement (reference 50479/JG/CD, March 2016) at paragraph 8.9. This was on the basis that at the time of submission of the application, the WMS had been withdrawn and VBC was no longer part of PPG.

The Reintroduction of VBC

At the point at which VBC was reinstated, application 16/01169/OUT had not been determined.³ NLP therefore wrote to SCC on 6th June 2016 setting out the implications of this new material consideration for application 16/01169/OUT, and the need for the application to be determined on the basis that the existing buildings would benefit from a 'credit' equivalent to the floorspace of the vacant buildings to be offset against affordable housing, such that there would be no overall increase in floorspace and therefore no requirement for affordable housing in this case. This letter is enclosed at **Appendix 3**.

The Council responded on 11th July 2016 to advise that, in their view, VBC was not applicable because the application had been submitted with a commitment to the provision of 10% affordable housing, demonstrating that the site did not require the financial incentive offered by VBC. SCC also pointed to the need for affordable housing across Sheffield, and the ability for the local authority to use their discretion in attaching weight to VBC alongside other material considerations, with officers attaching greater weight to the delivery of affordable housing pursuant to Core Strategy policy CS40. This response is enclosed at **Appendix 4**.

A further submission was made by the applicant on 27th July 2016 in the form of a letter from their legal advisors Walton & Co, advising that VBC was a national planning policy to be applied to application 16/01169/OUT at the point at which the application was determined, and that the application of a viability test to VBC was a fundamental misinterpretation of policy. Reference was also made to the lack of an up to date policy basis on which to attribute more weight to the delivery

³ It was not determined for another five months



of affordable housing, particularly given the low annual shortfall in affordable housing delivery within the relevant Housing Market Area (HMA) (the Rural Upper Don Valley). The letter is enclosed at **Appendix 5**.

Consideration of Application 16/01169/OUT at Planning Committee

Application 16/01169/OUT was considered at planning committee on 30th August 2016. In the Committee report, SCC's officers reiterated those points made above, and for the first time, introduced their view that the site's industrial use had been abandoned. The committee report is included at **Appendix 6**.

Justification for Removal of Condition 22

It remains the applicant's position that the proposal as submitted, and now approved, under 16/01169/OUT is eligible for VBC, and that there is no requirement for the provision of, or contribution to, affordable housing on the basis that the floorspace approved by the OPP is less than that of the existing buildings on the site.

In summary, the Council has presented the following arguments as to why it believes VBC is not applicable in this case:

- 1 That at the time of submission of the application the applicant offered within their Planning Statement a commitment to delivering 10% affordable housing across the site in accordance with local planning policy;
- 2 That the commitment to provide 10% affordable housing at the time of submission of the planning application shows that the development of the site would be financially viable without VBC, and therefore to apply VBC at the date of determination of the OPP would not accord with the intention of the Government's VBC policy (to provide an incentive for brownfield development on sites containing vacant buildings);
- 3 That the Court of Appeal's judgment in West Berkshire allows for VBC to be applied at the discretion of the decision maker, and on the basis that the 2013 Strategic Housing Market Assessment (SHMA) identified a significant need for affordable housing and an annual shortfall of 725 affordable homes to be delivered across the city, regardless of the local performance of the relevant HMA, that greater weight should be attributed to the delivery of affordable housing pursuant to Core Strategy policy CS40 than the application of VBC; and
- 4 That the site's industrial use had been abandoned at the point at which the site was purchased in 2015, such that VBC would not apply to application 11/01169/OUT by virtue of paragraph 23 of PPG.

These matters are now addressed in turn.

Timing of the Decision

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise⁴. The point at which this statutory test is applied is the

⁴ Section 38(6) of the Town and Country Planning Act 2004 and Section 70 (2) of the town and country planning act 1990.



point at which the application is *determined*, not at the point at which the application was submitted. This is well established in case law⁵.

As set out above, whilst it is the case that the application was submitted alongside reference to the provision of 10% affordable housing, this was on the basis that at the time of submission of the application the WMS had been withdrawn along with the VBC policy in PPG.

Following reinstatement of VBC however, national planning policy in respect of affordable housing and the application of VBC were clear. VBC was a national planning policy which carried significant weight as a material consideration in determination of the planning application. In the absence of any up to date development plan policies which would have led to a different conclusion, the applicant was entitled to expect that the terms of national planning policy would be correctly applied at the point at which the decision was made.

The approach adopted by the Council, however, was to consider the policy situation as it existed at the time of submission of the application in order to determine whether VBC should apply in this case. This approach was a clear error of law, and resulted in the Council making a decision on the basis of a policy environment which, whilst extant at the point at which the planning application was submitted, had been found to be unlawful at the point at which the decision was made.

This point is clarified within a recent appeal decision⁶ which considered the application of VBC to an eligible site following its reinstatement in national policy during the course of the appeal. As is the case here, the appeal related to an application which was submitted at the point at which references to VBC had been removed from PPG, and therefore offered a commitment to the provision of affordable housing, albeit a reduced number of units justified on the basis of viability. The application was determined by the LPA on that basis because VBC was not reinstated in PPG until after the appeal had been lodged.

Regardless of the policy position at the point at which the application, and indeed appeal, was made, in deciding the appeal on the basis of a reinstated national VBC policy, VBC was applied by the Inspector to the site in its entirety, and an affordable housing contribution found to be unnecessary on the basis of the site's existing floorspace. The Inspector did so despite both parties agreeing that there was a need for affordable housing because the Inspector noted that VBC "*is an incentive for brownfield development on sites containing vacant buildings*" which means that "*a developer should be offered a financial credit equivalent to the existing floorspace of relevant vacant buildings when a local planning authority calculates any affordable housing provision*".⁷ The appeal decision is enclosed at **Appendix 7**.

Viability Considerations

As set out in paragraph 21 of PPG, The Government's intention behind the introduction of VBC is to incentivise the development of previously developed land, which is more costly to remediate and subsequently develop than the delivery of greenfield sites. Local Planning Authorities are required by PPG to have regard to the intention of national policy.

⁵ see *R (ota Kides) v South Cambridgeshire DC* (2002) EWCA Civ 1370

⁶ *Horizon Poultry Farm, Tremar, Cornwall*, PL14 6ES, 15th November 2016 (Appeal Reference APP/D0840/W/16/3142537)

⁷ Paragraph 33 of the Decision Letter



SCC in its report to committee referred to the commitment to deliver 10% affordable housing at the point of submission of the application as demonstrating that the applicant had no need for the incentive provided by national government:

Given that the application was submitted prior to the reinstatement of the VBC in PPG, officers consider that the development of Oughtibridge Mill is not one where a VBC should be applicable since the site had already come forward for re-development [NLP emphasis] without any financial incentive through VBC. It is the view of officers therefore that this application for VBC does not accord with the intention of Government policy on such and therefore the policy should not apply in this instance (Report to Planning and Highways Committee, Tuesday 30th August 2016, page 302).

The Council used the above approach in order to draw inferences about the viability of the scheme with the provision of 10% affordable housing which were irrelevant to the applicability or otherwise of VBC. This approach confuses the *obtaining* of planning permissions with the *implementation* of planning permissions; Central to the purpose of VBC is providing an incentive to the *implementation* of planning permissions, and the subsequent delivery of development on brownfield sites. Nowhere in the VBC policy or the WMS does it say that VBC should not apply if a scheme is already capable of delivering a certain percentage of affordable housing. VBC would comprise an extremely limited incentive if its only effect was to make unviable schemes viable, particularly considering that such mechanisms are provided elsewhere (at paragraph 173) within NPPF. Indeed, the need for VBC would be unnecessary if this was the intention, given existing provisions within NPPF.

It follows that SCC's interpretation of the intention of Government policy, as required by PPG, was wrong and that the Site, as a previously developed site containing existing buildings, was entitled to receive the benefit of VBC at the time the OPP was determined.

PPG is clear in identifying the circumstances under which VBC applies, which is qualified only in terms of floorspace and whether the buildings have been abandoned. This point is expressly addressed within the Horizon Poultry Farm appeal decision as discussed above, in which a viability argument had previously been put forward by the applicant to argue a reduced affordable housing requirement. In deciding the appeal on the basis of a reinstated national VBC policy the Inspector concluded that the appeal proposal was eligible for VBC with no requirement to provide affordable housing, and explicitly, that '*[t]he viability of the scheme is not ... a factor in this case*' (APP/D0840/W/16/3142537, paragraph 36).

This appeal decision further demonstrates the point that SCC's attempt to read a viability test into the application VBC was a misinterpretation of policy, and confirms that viability is in no way a consideration in this case.

Application of Policy and Consideration of Weight – the need for Affordable Housing

As set out above, reference to VBC within PPG is a material consideration to which local planning authorities (LPAs) must have regard. The challenge to the West Berkshire judgement made clear that a 'blanket approach' to the application of VBC policy is not correct, and that VBC comprises one, albeit significant, material consideration to be considered against others, with the weight to be attached to VBC comprising a matter for the decision maker to determine. It follows that SCC, as the decision maker for application 16/01169/OUT, was entitled to apply VBC at its discretion, with reference to relevant planning policy and other material considerations.



Crucially, however, such decisions must be made upon a correct and objective interpretation of policy. The example referred to within the West Berkshire judgement is that where an LPA's development plan policies are supported by up-to-date evidence, an LPA might be able to demonstrate, for example, that VBC should not be applied because the LPA is heavily reliant on the re-use of brownfield sites for the delivery of affordable housing.

At the point at which application 16/01169/OUT was determined, there was no up to date development plan policy which assisted in explaining how the Council should apply the national VBC policy following its reinstatement within PPG.

Policy CS40 was adopted in 2009, pre-dating both the NPPF and PPG. It therefore contains no reference to VBC.

SCC's Community Infrastructure Levy and Planning Obligations SPD (Adopted October 2015), which provides further detail regarding how affordable housing delivered under Policy CS40 should be applied, is more recent. However this SPD was adopted after the VBC policy had been quashed and before its reinstatement in national planning policy, so it too contains no reference to VBC, and was 'out of date' and inconsistent with national planning policy at the time that application 16/01169/OUT was determined.

In fact, the only relevant policy which was extant immediately prior to the High Court's decision in West Berkshire and the subsequent removal of the WMS was the Council's Affordable Housing Interim Planning Guidance 2014 Update (enclosed at **Appendix 8**), which noted at Guideline G1 as follows:

*For **any** [NLP emphasis] vacant buildings brought back into any lawful use or demolished for re-development, a financial credit equivalent to the existing gross internal floorspace should be deducted from the calculation of any Affordable Housing contributions. This does not apply to vacant buildings which have been abandoned.*

It is also of relevance that the July 2015 Consultation Draft of the Community Infrastructure Levy and Planning Obligations SPD version of this document (enclosed at **Appendix 9**) published prior to the removal of VBC contained the same reference to the application of VBC under Policy GAH1: *Types of Site Where Affordable Housing Will Be Sought*, which included that same provision in respect of existing floorspace as follows:

*For **any** [NLP emphasis] vacant buildings brought back into any lawful use or demolished for re-development, a financial credit equivalent to the existing gross internal floorspace should be deducted from the calculation of any Affordable Housing contributions. This does not apply to vacant buildings which have been abandoned.*

It is therefore clear that at the point at which VBC comprised extant national planning policy, the Council did not make, or intend to make, application of the VBC conditional upon demonstrating a need for financial incentivisation, which is unsurprising given the absence of any reference to viability testing in national VBC policy.

In the Committee report, officers draw upon the conclusions of the 2013 Strategic Housing Market Assessment (2013 SHMA) as the reason for giving greater weight to Core Strategy Policy CS40 than the VBC. However both the *Affordable Housing Interim Planning Guidance 2014 Update* and the 2015 *CIL and Planning Obligations SPD* make reference to the 2013 SHMA as the context for their affordable housing guidelines. There have been no material changes in circumstances to Sheffield's housing strategy, or to the current evidence base (which remains the same as that



relied upon by the Council for both the Interim Planning Guidance and the SPD Consultation Draft in 2015) which could justify anything other than a return to the application of VBC for eligible sites in accordance with its re-insertion in the PPG earlier this year. It is certainly not the case, to quote the example used within the West Berkshire judgment, that SCC is so heavily reliant on the re-use of brownfield sites for the delivery of affordable housing that affordable housing policies should be attributed greater weight than the application of VBC in this case.

The age of the SHMA and the subsequent changes made to national planning policy through the NPPF and PPG must be considered against the weight of a national planning policy which was re-adopted in 2016, and which is clearly designed to operate as a credit against an affordable housing requirement which would otherwise be required.

In addition, reference was made within the letter from Walton & Co on 27th July 2016 to the 2013 SHMA's confirmation of the low level of under provision of affordable housing provision within the Rural Upper Don Valley Housing Market Area (HMA) where the Site is located (comprising a shortfall of only two units). This was rejected by SCC in their report to committee on the basis that the Council's affordable housing policy is applied on a city wide basis, regardless of the relative performance of individual HMAs. However this conclusion within the 2013 further demonstrates the lack of any overriding need for the delivery of affordable housing on brownfield sites within the Rural Upper Don Valley HMA which could justify anything other than application of VBC in this case.

Moreover, it was clearly never the intention of Government policy that a need for affordable housing should always outweigh VBC, and such an approach is not endorsed by the Court of Appeal decision in West Berkshire. Such an interpretation would render VBC meaningless because VBC is designed to act as a credit against an affordable housing requirement which would otherwise be evidenced and properly sought in connection with a planning application. In the Horizon Poultry Farm decision discussed above, the Inspector concluded that VBC should apply despite both parties accepting that there was a need for affordable housing in the area.

Abandonment

The Council's officers set out within their report to committee that the Site's industrial use had been abandoned at the time of the site being purchased in October 2015, in order to bring the site forward for residential redevelopment. This argument had not been previously raised by the Council, so there was no opportunity for the applicant to respond on this point.

In short, the site has not been abandoned. Its buildings are still subject to ongoing on-site security and maintenance, and are capable of being occupied and used in line with the site's existing, lawful, industrial use. The existence of a planning permission for residential redevelopment in no way undermines this established lawful use.

Whilst there is no definition of abandonment within PPG, and no recent case law to define this in the specific context of the VBC, the principle of abandonment is a well-known legal concept, and there are numerous cases which point to those factors which contribute to demonstrating abandonment (including the physical condition of the building, the period of non-use (which is usually significantly in excess of four years), any intervening uses, and evidence regarding the owners' intentions)⁸.

⁸ Castell-y Mynach v Secretary of State for Wales and Taff-Ely Borough Council [1985] JPL 40



In the case of the paper mill, the site's industrial use (processing and packaging production) was still occurring at the site until early 2015 at the point at which the site was marketed for sale. The site's marketing particulars (extracts included at **Appendix 10** and submitted as part of application 16/01169/OUT) included reference to the potential of the main paper mill site (Plot 8A) for *"continued business use or alternative uses, including residential and mixed use redevelopment, subject to planning ... In the short term, Plot 8A currently has potential to remain in its current industrial use with the main warehouse facility made operational"* (Capita Sales Brochure, page 16). A comprehensive marketing campaign was subsequently undertaken which targeted operators and owner occupiers alongside developers. There is therefore clear evidence that at the point at which the site was marketed and sold, there was no intention to abandon the existing use of the site, and, conversely, that the site owners actively sought to ensure that the warehouse could be occupied in its existing state should an appropriate occupier come forward.

The marketing report prepared by the site's agents (enclosed at **Appendix 11** and submitted as part of application 16/01169/OUT) provides further details on this process, and clarifies that whilst a number of enquiries were received from a range of occupiers, including two parties interested in occupying the unit for industrial use, these enquiries did not materialise, and the majority of interest came from developers, to which the site was eventually sold.

There is therefore no evidence which points to the owners having a firm and settled intention to cease industrial use of the site in all circumstances. Indeed such an approach would not have made any commercial sense in advance of a planning permission for redevelopment. There is no basis on which to conclude that the site and its industrial use have been abandoned, and that VBC should not apply for this reason.

Conclusion

In conclusion, the re-introduction of VBC as national planning policy was a material consideration to which significant weight should have been applied at the point of determination of application 16/01169/OUT.

VBC is not subject to viability testing, and it has been demonstrated with reference to a recent appeal decision that such considerations are in no way relevant to the application of VBC.

There is no basis on which to conclude that the site and its industrial use have been abandoned and that VBC should not apply to the Site in its entirety for this reason.

In applying VBC as a material consideration alongside other relevant factors, there is no up to date policy basis on which to justify greater weight being attributed to the delivery of affordable housing under Core Strategy Policy CS40 Policy than the application of VBC. The evidence base being relied upon by SCC to make this claim was prepared in 2013 and is the same as that which supported application of VBC, without qualification, within both the Affordable Housing Interim Planning Guidance and earlier drafts of the Community Infrastructure Levy and Planning Obligations SPD. In any event, what that evidence base does show is that there is an extremely low level of under provision of affordable housing provision within the Rural Upper Don Valley Housing Market Area (HMA) where the Site is located. Moreover the evidence base does not demonstrate any overriding need for the delivery of affordable housing on brownfield sites within the Rural Upper Don Valley HMA which could justify anything other than application of VBC in this case.



Nathaniel Lichfield
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On this basis the Oughtibridge Paper Mill site should have been offered a credit equivalent to the existing gross floorspace of relevant vacant buildings at the point at which the OPP was determined. Had this credit been applied, then there would have been no residual requirement for affordable housing on the basis that the floor space proposed by the outline application is less than that of the existing buildings on the site. Condition 22 would not then have been attached to the OPP.

It is therefore requested through this S73 application that this condition be removed.

CEG has consistently made this point and the position taken in seeking to remove condition 22 is consistent with the approach taken during discussions on the outline application.

Should you require any further information please do not hesitate to contact me. Otherwise I look forward to receiving confirmation that Condition 22 can be removed from planning permission 16/01169.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. V. P. L. U.', followed by a long horizontal flourish.

Suzanne Phillipson
Associate Director

Copy

Steve McBurney
James Cook
Andrew Burton

CEG
Walton & Co
Barnsley Metropolitan Borough Council

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