5 Relevant Policy

5.1 INTRODUCTION

5.1.1 This section considers the main policies and plans which are relevant to the environmental assessment of the proposed development (some specialist policy documents are discussed under the relevant environmental topic areas). The objective is to demonstrate that relevant policy guidelines at international, national, regional and local levels have been taken into account in the Environmental Statement.

5.2 NATIONAL POLICIES

EIA Regulations

5.2.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 implement the EIA Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended by Council Directive 97/11/EEC) insofar as it applies to development under the Town and Country Planning Act 1990 and subsequent amending acts. The proposed development has been assessed as a Schedule II project for which an ES is required. This ES has been produced in accordance with the requirements of the regulations.

DCLG Circular 02/99 Environmental Impact Assessment (1999)

5.2.2 The Circular expands upon and gives guidance in respect of the EIA Regulations referred to above, to which this Environmental Statement has had due regard. Prepared by GVA Ltd and WSP for: Peel Holdings Ltd.

Conservation of Natural Habitats Regulations (Amendment) 2007

5.2.3 The Conservation of Natural Habitats etc Regulations 1994 (the Habitats Regulations) are based on the EC Habitats directive and incorporates this into the national development control and pollution control legislation to enhance existing legislation covering the protection of habitats and species listed in the Directive. The Ecology and Nature Conservation Section (Section 12) considers the protection of natural habitats in more detail.

UK Sustainable Development Strategy (2007)

5.2.4 As recommended at the Earth Summit Conference, the Government produced the UK Sustainable Development Strategy in 1994. An updated strategy with a greater emphasis on the social dimension of sustainable development alongside economic issues was published in 1999. Following a progress review in 2004, a further update was published. This identified a single framework goal for sustainable development:

"The goal of sustainable development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.

For the UK Government and the Devolved Administrations, that goal will be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment; and a just society that promotes social inclusion, sustainable communities and personal wellbeing. This will be done in ways that protect and enhance the physical and natural environment, and use resources and energy as efficiently as possible.

Government must promote a clear understanding of, and commitment to, sustainable development so that all people can contribute to the overall goal through their individual decisions.

Similar objectives will inform all our international endeavours, with the UK actively promoting multilateral and sustainable solutions to today's most pressing environmental, economic and social problems. There is a clear obligation on more prosperous nations both to put their own house in order, and to support other countries in the transition towards a more equitable and sustainable world".

5.2.5 The proposed scheme seeks to redevelop an urban brownfield site. The introduction of a new, large scale food store will increase competition, raise levels of economic growth and promote social inclusion in the vicinity and for the wider benefit of Barnsley and the sub region. Further, the remediation of the site and improvements proposed to the waterfront will promote access to this key environmental asset and the wider greenbelt, providing health benefits for the population of Barnsley.

By Design – Urban Design in the Planning System: Towards Better Practice (2000)

5.2.6 This good practice document confirms the Government's commitment to good design as established in Planning Policy Statement 1 – Delivering Sustainable Development (PPS1). A Design and Access Statement has been produced by Bate and Taylor Architects and Parkinson Inc to accompany the planning application. This sets out the principles used to guide development.

5.3 NATIONAL PLANNING POLICY STATEMENTS AND GUIDANCE

National Planning Policy Framework (NPPF)

5.3.1 The NPPF was published on 26th March 2012 and sets out the overarching planning policies on the delivery of sustainable development through the planning system. The document replaces 25 Planning Policy Statements and Planning Policy Guidance documents as well as various letters providing further planning direction. The objective of the Framework is to encourage people and communities back into planning.

5.3.2 The Framework confirms that planning should pursue sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- Making it easier for jobs to e created in cities, towns and villages;
- Moving from a net loss of bio-diversity to achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure;
- Widening the choice of high quality homes.

5.3.3 The NPPF retains the previous emphasis in PPS1 regarding the Government's commitment to promoting a strong, stable and productive economy that aims to bring jobs and prosperity. Local Planning Authorities are encouraged to recognise the need to plan proactively to meet the development needs of business and support an economy fit for the 21st Century.

5.3.4 In addition, planning authorities should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system, setting out a clear economic vision for and strategy for their area which positively and proactively encourages sustainable economic growth.

5.3.5 New development should support the transition to a low carbon future in a changing climate and should encourage the reuse of existing resources including conversion of existing buildings and encouraging the use of renewable resources.

Vitality of Town Centres

5.3.6 Section 2 of the NPPF updates guidance previously contained in PPS4 regarding protection of the vitality of town centres. The guidance continues to direct development towards existing centres, promoting the vitality and viability of centres as important places at the centre of communities ad seeking to ensure that other government objectives are met, notably enhancing consumer choice and diversifying the retail offering to ensure markets remain attractive and competitive.

5.3.7 Paragraph 23.6 of the NPPF recommends allocation of a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It emphasises the importance that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

5.3.8 The framework recognises that appropriate edge of town centre sites for main town centre uses may be considered where they are well connected to the town centre and where suitable and viable town centre sites are not available. In such circumstances Local planning Authorities should set out policies for consideration of uses on such sites.

5.3.9 Paragraph 24 of the NPPF retains the requirement for a sequential test to be applied to main town centre uses where proposals are outside of the centre and are not in accordance with an up-to-date Local Plan. This should

demonstrate that there are no more centrally located sites available, suitable or viable, and that the site is accessible and well connected to the town centre. Whilst the superseded PPS4 removed the requirement for planning applications for retail to demonstrate sufficient capacity, or 'need', for the floorspace proposed, paragraph 26 retains a requirement for schemes of more than 2,500sqm floorspace to be accompanied by an impact assessment, which considers the impact on private investment within the catchment area of the site and the impact on the viability and vitality of the town centre.

5.3.10 The Planning and Retail Statement submitted with this application sets out how the proposed complies with paragraphs 23 to 27 of the NPPF.

Transport

5.3.11 Section 4 on promoting sustainable transport updates previous guidance in PPG13 and reaffirms the Government's policy position towards retail development requiring applicants to demonstrate sequential compliance and seeking to locate development in locations which are (or will be) well served by public transport.

5.3.12 A detailed Transport Assessment and Travel Plan form part of the application submission and show the strong accessibility of the application site. The Transport Assessment demonstrates that there are no technical highways matters that would preclude the redevelopment of the application site.

Pollution Control

5.3.13 Paragraph 109 of the NPPF advises that any consideration of the quality of land, air and water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration.

5.3.14 In considering individual planning applications, the policy specifies that the potential for contamination must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. Therefore, the local planning authority must be satisfied that the potential for contamination and any risks are properly assessed and that the development incorporates any necessary remediation.

5.3.15 A detailed Phase I Ground Contamination chapter identifying an appropriate remediation strategy for the application site is provided as part of the wider application submission.

Noise

5.3.16 The impact of noise can be a material consideration in the determination of planning applications. Paragraph 123 of the NPPF guides local planning authorities to assess the likely noise exposure resulting from a proposed development. A noise assessment has been carried out as part of this ES. The assessment shows as plans stand the development will create some noise, however solutions are being sought to remedy this, thus complying with NPPF concerns.

Flood Risk

5.3.17 Paragraph 100 of the NPPF reiterates previous guidance in PPS25 regarding flood risk and explains how flood risk should be taken into consideration during the planning and development process. Where new development is proposed within areas of increased flood risk, a sequential test and an exception test should be applied to guide local planning authorities on the suitability of proposed development sites.

5.3.18 A site-specific flood risk and drainage assessment (FRA) and Sequential Test have been prepared in accordance with NPPF requirements. The submitted assessment identified that the application site sits predominantly within an area with a low probability of flooding (Flood Risk Zone 1) with a small part of the site located in Flood Zone 3, at a higher risk of flooding, and proposes less vulnerable uses (retail uses). Therefore, appropriate on-site attenuation is proposed to minimise material flood risk issues arising from the development.

5.4 REGIONAL SPATIAL STRATEGY (RSS) - YORKSHIRE AND HUMBER PLAN

5.4.1 Regional Spatial Strategies (RSS) have recently been reinstated as part of the statutory development plan following a legal challenge to the Government's initial decision to revoke RSS. The RSS for Yorkshire and Humber, published in May 2008, therefore remains a material consideration in assessment of the application.

5.4.2 In summary, the main RSS policies relevant to the application proposals are:

Policy YH4- Regional cities and sub regional cities and towns

5.4.3 Policy YH4 identifies Barnsley as a sub-regional town and one of the prime foci for the region's housing, employment, shopping, leisure, education, health and cultural activities and facilities.

Policy YH7 - Location of development

5.4.4 Policy YH7 draws together the main policy requirements as previously set out in PPS1, PPS4[1] and PPG13 in terms of seeking to prioritise the development of previously-developed sites and particularly those which are highly accessible by non-car modes.

Policy E5 - Employment land

5.4.5 Policy E5 looks to safeguard employment land from redevelopment for alternative uses. Policy E5 sets out an employment land allocation requirement for Barnsley of 200 to 235 hectares through the RSS plan period.

5.5 BARNSLEY UNITARY DEVELOPMENT PLAN

5.5.1 Barnsley Council is at present preparing a Local Development Framework (LDF) to replace the adopted UDP. In addition to the Core Strategy DPD, there is a number of emerging topic papers to inform the wider policy preparation process and these are summarised where relevant to the application proposals.

5.5.2 Until all of the DPDs are completed and adopted, saved policies from the Barnsley Unitary Development Plan (UDP) (adopted in December 2000) will continue to form part of the policy context for planning decisions, together with current national and regional policies.

Site Specific Policy

5.5.3 The UDP Proposals Map shows a number of different allocations relating to the application site.

5.5.4 The majority of the site falls within an 'Other Shopping/Commercial Area', where **Policy BA27** identifies Twibell Street / Old Mill Lane area as an existing out of centre retail park. Within this area, policy states that any proposed development or redevelopment of the site will be judged on its individual merits, based on its impact in environmental, highways and town centre viability terms.

5.5.5 A portion of the site is identified by **Policy BA5** as being located within an Employment Policy Area. In accordance with **Policy ED7**, **Policy BA5** seeks to protect existing employment uses in this area, stating that employment policy areas will remain in employment use. Further to this, it states that other employment generating uses, excluding development for shops and financial and professional services, may also be permitted if they are compatible with adjoining uses.

5.5.6 Adding further detail to this, *Supplementary Planning Guidance 24* – The re-use of employment sites (adopted May 2003) states that proposed development on former employment sites must have no significant impact in terms of loss of jobs, and will only permitted if a sufficient supply of alternative employment sites can be demonstrated in the local area.

5.5.7 A small part of the site, to the north of the River Dearne and falls within an area of Green Belt (**Policy BA9**), in accordance with policy **GS6**, there is presumption against development in this area,

5.5.8 Two small sections of the site, making up the former British Gas works and including the existing gas holder, are shown allocated as a 'Utility Company'. **Policy BA36** applies in this area and in accordance with **Policy UTL3**, looks to protect existing utility services from inappropriate development.

Retail Policy

5.5.9 The adopted Core Strategy retail policies remain in accordance with the recently published NPPF in seeking to prioritise new retail development within defined centres and allocated shopping/commercial areas, particularly where there is a recognised need from the community, low levels of personal mobility and low income levels.

5.5.10 Retail policies relevant to the application proposals are summarised below:

5.5.11 **Policy S1** sets out a sequential approach for locating new retail development within existing defined centres. Within these centres, retail development proposals are to be assessed on their merits, particularly with regard to their relationship and compatibility with existing uses. New retail development which extends and enhance the range of goods available to the public are to be encouraged in these areas. *Supplementary planning guidance 27 – The sequential approach and need for retail, leisure and business developments* (adopted May 2003) provides further guidelines for when the sequential approach is necessary, and advice on assessing a sequential appraisal.

5.5.12 **Policy S2** advocates good design, traffic/pedestrian management and environmental improvements within principle shopping and commercial centres.

5.5.13 **Policy S3** states that out-of-centre retail development will be considered acceptable, where no suitable alternative site is identified as available within defined centres and where it is in a location accessible by a choice of means of transport.

5.5.14 **Policy S5** states that proposals for comparison goods floorspace in excess of 930 sqm gross floor area, outside of defined centres, will be subject to planning conditions which will control either the size of the unit or the range and type of goods to be sold.

General Development Polices

5.5.15 **Policy BE5** - Improving Existing Areas of Poorer Quality Built Environment the council will seek to enhance the environmental quality of existing housing, commercial and industrial areas.

5.6 LOCAL DEVELOPMENT FRAMEWORK

Core Strategy

5.6.1 The Core Strategy was adopted in September 2011 and sets out the strategic policy framework for the borough. In addition to the UDP policies listed above, the following Core Strategy policies are relevant in considering the application proposals:

5.6.2 **Draft Policy CSP 8 – Retail development** re-iterates a sequential approach to the location of new retail development.

5.6.3 **Policy CPS 11 – Economic development** outlines the need for employment sites to be located in sustainable areas. It seeks to protect and enhance existing employment land through the resistance of redevelopment for alternative uses which would lead to a loss of employment opportunities.

5.6.4 **CSP 1 Climate Change** - development will be expected to:

- reduce and mitigate the impact of growth on the environment and carbon emissions
- ensure existing and new communities are resilient to climate change
- harness the opportunities that growth, and its associated energy demands, brings to increase the efficient use of resources through sustainable construction techniques and the use of renewable energy

5.6.5 We will take action to adapt to climate change by:

- giving preference to development of previously developed land in sustainable locations
- locating and designing development to reduce the risk of flooding
- promoting the use of sustainable drainage systems
- promoting investment in Green Infrastructure to promote and encourage biodiversity gain

5.6.6 **CSP 2 Sustainable Construction** - Development will be expected to demonstrate how it minimises resource and energy consumption, compared to the minimum required under current Building Regulations legislation, and how it is located and designed to withstand the longer term impacts of climate change. All new dwellings will be expected to achieve at least a level 3 rating under the Code for Sustainable Homes or equivalent. This requirement will rise over the plan period and by 2013 new dwellings should achieve at least level 4, rising to level 6 by 2016.All non-residential development will be expected to achieve at least BREEAM standard of 'very good' or equivalent.

5.6.7 **CSP 3 Sustainable Drainage Systems (SuDS)** - All development will be expected to use Sustainable drainage systems (SuDS). Only in exceptional circumstances, where it can be demonstrated that all types of SuDS are impractical, will other drainage management systems be permitted. Planning applications must include an assessment to show that SuDS will work and be maintained. Measures should be taken to avoid water contamination and safeguard groundwater supply. Developers will be required to contribute to the maintenance of SuDS.

5.6.8 **CSP 4 Flood Risk** - The extent and impact of flooding will be reduced by:

- not permitting new development where it would be at an unacceptable risk of flooding or would give rise to flooding elsewhere
- requiring developers with proposals in Flood Zones 2 and 3 to provide evidence of the sequential test and exception test where appropriate
- requiring site-specific Flood Risk Assessments (FRAs) for proposals over 1 hectare in Flood Zone 1 and all proposals in Flood Zones 2 and 3
- requiring proposals over 1000 m2 floor space or 0.4 hectares in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk
- requiring all development proposals on brownfield sites to reduce surface water run-off by at least 30% and development on greenfield sites to maintain or reduce existing run-off rates
- requiring development proposals to use Sustainable Drainage Systems (SuDS) in accordance with policy CSP 3
- not culverting or building over watercourses and encouraging the removal of existing culverts wherever practicable
- using flood resilient design in areas of high flood risk.

5.6.9 **CSP 5 Including Renewable Energy in Developments** - All development (either new build or conversion) of 10 or more dwellings or 1000sqm of non residential floorspace will be expected to incorporate decentralised, renewable or low carbon energy sources sufficient to reduce the development's carbon dioxide emissions by at least 15% for applications submitted up to 2015 rising to 20% for applications submitted thereafter. Where it is not appropriate to incorporate such provisions within the development, an off site scheme, or contribution to such may be acceptable.

5.6.10 **Policy CSP8** prioritises growth in Urban Barnsley which will be expected to accommodate significantly more housing, economic, shopping, health, leisure, business and public service growth than the rest of the borough.

5.6.11 **Policy CSP25** is in accordance with the Transport section of the NPPF and suggests that viable new development must be designed to reduce the need for private vehicles and meet the needs of pedestrians and cyclists. Parking must be in accordance with parking guidelines set out in Supplementary Planning Document for parking, and not exceed the maximum amount stated.

5.6.12 **Policy CSP26** requires new development to be designed and built to provide, safe secure and convenient access for all road users. Where this cannot be achieved developers are required to take mitigating action.

5.6.13 **Policy CSP29** states the importance of high quality design which will use and enhance the features of Barnsley, whilst providing high quality green space. In order to ensure a developments success CSP29 states that it must enable people to gain access safely and conveniently, providing, in particular, for the needs of families, children, disabled people and older people.

5.6.14 **Policy CSP31** sets a hierarchy of centres and ensures new development maintains and enhances the vitality and viability of these centres and their role within the hierarchy.

5.6.15 **Policy CSP33** seeks to protect, maintain, enhance and create an integrated network of connected multi-functional green infrastructure assets. **Policy CSP35** looks to improve existing green space to meet the standards set in the Green Space Strategy.

5.6.16 **Policy CSP34** safeguards green belt boundaries.

5.6.17 **Policy CSP36** ensures development conserves and enhances the biodiversity and geological features of the borough. Whilst **CSP37** retains and enhances the character and distinctiveness of the Landscape Character Area in which it is located.

5.6.18 **Policy CSP39** requires applications for development on contaminated or unstable land to be accompanied by the appropriate land contamination report. **Policy CSP40** ensures development does not result directly or indirectly in an increase in pollution to a variety of sources.

5.7 BARNSLEY SUSTAINABLE COMMUNITY STRATEGY

5.7.1 Barnsleys Sustainable Community Strategy sets the strategic vision for Barnsley. Providing and overaching Strategy which encompasses important national, regional and local strategies it provides an action plan to achieve the vision. The Strategy has been developed by One Barnsley, the Local Strategic Partnership that brings together public, private and community sectors from the area and region.

5.7.2 The vision is for Barnsley to be a sucessful, uniquely distinctive 21st century market town at the centre of a borough that offers prosperity and a high quality of life for all.

5.7.3 To achieve this vision, the strategy identifies 11 ambitions:

- **AMBITION 1** – Our communities are attractive, clean and sustainable places to live
- **AMBITION 2** – Barnsley is one of the safest towns in Yorkshire
- **AMBITION 3** – Barnsley offers varied and exciting cultural opportunities to all
- **AMBITION 4** – Barnsley is recognised for its community spirit and diversity
- **AMBITION 5** – Barnsley people are healthier and live longer - adding life to years and years to life
- **AMBITION 6** – Enabling adults to have healthy and fulfilling lives
- **AMBITION 7** – Barnsley children and young people - aiming high, enjoying life and seizing opportunity
- **AMBITION 8** – 21st century environments for 21st century learning, enterprise, skills and services
- **AMBITION 9** - Building a prosperous and sustainable local economy
- **AMBITION 10** - Barnsley has a high performing integrated transport system
- **AMBITION 11** - Promote Barnsley, at home and abroad, as a great place to live, work and visit

5.7.4 The Strategy acknowledges that achieving the 21st century market town vision and successful and sustainable economic growth relies heavily upon the health, education and skills of its community.

5.7.5 The proposed development will clean up an existing brownfield site avoiding the potential for a large portion to be left derelict once the gas storage tank is decommisioned. It will deliver a sustainable new development which promotes safe access to the site and reduces the potential for antisocial behavior. It delivers economic growth, employment and training oportunities to the local area and increases competition to the benefit of all and provides improved access to the waterfront and wider greenbelt promoting health benefits. As such it will aid in the achievement of most of the ambitions and the wider vision as identifed.

5.8 REFERENCES

Documentary sources

- Barnsley Metropolitan Borough Council (BMBC). (2011).*Core Strategy.* Barnsley: BMBC
- BMBC. (2000). *Unitary Development Plan.* Barnsley. BMBC
- Department of Communities and Local Government (DCLG). (1999). *Circular 02/99 Environmental Impact Assessment.* London. DCLG
- DCLG. (2005). *PP1S: Delivering Sustainable Development.* London. DCLG
- DCLG. (2007). *PPS1 Supplement: Planning and Climate Change.* London. DCLG
- DCLG. (2009).*PPS 4: Planning for Sustainable Economic Growth.* London. DCLG
- DCLG. (2011).*PPG13: Transport.* London. DCLG
- DCLG. (2004).*PPS23: Planning and Pollution Control.* London. DCLG
- DCLG. (1994).*PPG2: Noise.* London. DCLG
- DCLG. (2010).*PPS25: Development & Flood Risk.* London. DCLG
- Department of the Environment, Transport and the Regions (DETR). (2000) *By Design – Urban Design in the Planning System: Towards Better Practice.* London. DETR
- Government Office for Yorkshire and the Humber (GOYH). (2008) *Regional Spatial Strategy.* GOYH.
- HM Government. (2005). *The UK Sustainable Development Strategy.* Norwich.
- DCLG. (2012) National Planning Policy Framework. London. DCLG
- One Barnsley. (2008). *Sustainable Community Strategy 2008-2020.* Barnsley. One Barnsley.
- UK Statutory Instrument. (1999) *The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- UK Statutory Instrument. (2007) *The Conservation (Natural Habitats, &.c) (Amendment) Regulations* 2007.