

**LAND DISPOSAL, CATHERINES WALK, ATHERSLEY SOUTH – OBJECTIONS  
RECEIVED TO PUBLIC NOTICE UNDER LOCAL GOVERNMENT ACT 1972, SECTION  
123 (1) 2(A)**

**SUMMARY OF OBJECTIONS**

- 1.0 The first letter to consider is dated 1<sup>st</sup> February 2018
- 1.1 The objections contained in it can be summarized as follows:-
1. The Council's procedure is incorrect. Decision cannot be overturned. Housing Association now committed to purchase without waiting for Council decision making it effectively irrevocable.
  2. Land is on Green Space Register. It is well-used. There is no alternative nearby.
  3. Sale would be a breach of NPFA guidelines which say children should not have to walk more than 400m to a green space.
  4. The Council is in breach of its own stated strategy which says that open space should not be disposed of unless "surplus to requirements" and there is equivalent land to replace it.
  5. Land is used for access to shops so the sale would be against the Council's policy of creating safe neighbourhoods as housing will mean high fences forcing pedestrians onto footpaths next to the traffic.
  6. The land was not prior identified on lists of land identified as being potential housing sites.
  7. The use for 54 houses will create additional pressure on overstretched infrastructure.
  8. The Council has not committed to use the sums raised for improving infrastructure.
  9. The Council has not shown a need for housing.
- 1.2 The specific responses of Legal and Asset Management officers:
1. The objector is incorrect. The sale has not yet been agreed (no signed written contract has been exchanged) and in law, it is a mere proposal at the moment albeit the interest of a housing association has been noted, planning permission has been sought and heads of terms are being agreed. As stated above, a decision by Cabinet to uphold the objections will be final and the sale will not proceed if that is the case.
  2. It is conceded that the land has current status as Green Space but not that it is well used. It is not a well-maintained plot of land and unfortunately has attracted fly-tipping and littering in the past. The Council does not have sufficient resources to do anything other than occasionally keep it mown. Alternative recreational open space is available only a short distance away (300-400metres) at Laithes Lane recreation ground.
  3. Obviously it depends where one is walking from but the nearest point on Laithes Lane recreation ground is only 300m from this site.
  4. For the Council this question is surely a matter of competing priorities. The view that the Council has taken, bearing in mind the financial contribution which will be made for open space (under section 106 Town and Country Planning Act 1990) is that the priorities relating to housing development outweigh the loss of

open space (which is obviously goes with a disposal of open space for development).

5. The analysis of the Council's planning and highways officers does not show that the planning would lead to any dangerous footpaths being created. The new housing will not directly front a fast road.
6. The land was recently identified as being a site suitable for affordable housing but was not available for sale to the private sector which explains its prior status within the Council's planning register. It is held as Public Open Space which explains why the Council advertised the disposal in the first place
7. Planning and highways officers have come to the view in their expert opinion that the infrastructure demands are not unacceptable and hence the proposal does now have the benefit of planning permission.
8. Any sums received via section 106 agreement for open space will be spent for that purpose in this vicinity.
9. The Council has a number of policies relating to creation of new housing and there is a particular need for affordable housing in Barnsley. It is not fair to say that the Council has not demonstrated a need. The fact that a housing association is committed to this project shows there is a need. They would not invest such a large sum in construction if they were not clear about the need.

2.0 The second letter to consider is dated 6<sup>th</sup> February 2018

2.1 The objections contained in it can be summarized as follows:-

1. The land is public open space used by local people
2. It is used by local children for play
3. The Council has not identified any alternative site for play
4. Houses will mean further children (up to 150) with no space in which to play
5. This may lead to an increase in anti-social behaviour
6. The land is used by adults for exercise which is good for the avoidance of bad health and obesity etc.
7. There are "brownfield" alternative sites which have not been put forward first.

2.2 The specific responses of Legal and Asset Management officers:

1. It is known that the land is currently public open space which is the reason for the statutory process of inviting objections in the first place.
2. While it is acknowledged that this land is informal open space and children can play on it, it is not particularly suitable for children. It has no formal play areas or play equipment or even footpaths or cycle ways.
3. Laithes Lane Recreation Ground is within a short distance.
4. Ditto above and it is to be noted that Laithes Lane Recreation Ground is a much larger area of land.
5. This is a purely speculative objection with no necessary validity. New high quality affordable housing may result in decreased anti-social behaviour
6. Whilst this point is accepted as having some validity, it is true to say that both the adult and child population may use the nearby more suitable Laithes Lane Recreation Ground for exercise purposes.
7. The Council endeavours to sell or make use of all of its "brownfield" sites. Some have been / are being sold to private developers as well as Housing Associations. Having said this there is a lack of brownfield sites within this location that are capable of accommodating the proposed development, which

as previously stated will provide 54 much needed affordable dwellings, bringing inward investment into the area and the Borough.